THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 15 NUMBER 123

Washington, Tuesday, June 27, 1950

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART B—UNITED STATES STANDARDS FOR GRADES OF PROCESSED FRUITS, VEGETABLES, AND OTHER PRODUCTS [1]

REVISION OF UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE

On December 30, 1949, a notice of proposed rule making was published in the FEDERAL REGISTER (14 F. R. 7846) regarding a proposed revision of the United States Standards for Grades of Canned Pineapple. After consideration of all relevant matters including the proposals set forth in the aforesaid notice, the following revised United States Standards for Grades of Canned Pineapple are hereby promulgated under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949):

§ 52.567 *Canned pineapple.* Canned pineapple is prepared from the properly matured fruit of the pineapple plant (Ananas sativus or Ananas comosus) which fruit is washed, peeled, cored, and trimmed; is packed with or without packing media; is packed with or without the addition of sweetening ingredients; and is sufficiently processed by heat to assure preservation of the product in hermetically sealed containers.

(a) *Styles of canned pineapple.* (1) "Sliced" or "slices" of pineapple consist of whole, practically unbroken slices of pineapple that have been cut approximately at right angles to the vertical axis of the fruit.

(2) "Half sliced" or "half slices" of pineapple are portions of slices of pineapple that are matched in size so that two portions are approximately equivalent to a slice.

(3) "Broken sliced" or "broken slices" of pineapple consist of varying sized portions of slices which have approximately the same measurement along the radial axis. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(4) "Tidbits" of pineapple are small, wedge-shaped sections cut from slices or portions of slices of pineapple. The approximate measurements of such sectors are: (i) Length of outside arc, more than ⅜ inch but not more than ¾ inch; (ii) thickness, more than 5/16 inch but not more than ½ inch; and (iii) length (measured along the radius from the inside arc to the outside arc), more than 11/16 inch but not more than 1¼ inches.

(5) "Salad cuts" of pineapple are wedge-shaped sections cut from slices or portions of slices of pineapple. The approximate measurements of such sectors are: (i) length of outside arc—more than ¾ inch but not more than 2 inches; (ii) thickness—more than 5/16 inch but not more than 15/16 inch; and (iii) length (measured along the radius from the inside arc to the outside arc)—more than ⅜ inch but not more than 1¼ inches.

(6) "Chunks" of pineapple are large pieces of pineapple which may or may not be uniform in shape and do not exceed 1½ inches in any edge dimension. The approximate measurements of such pieces if wedge-shaped are: (i) length of outside arc—more than ¾ inch; (ii) thickness—more than ½ inch; and (iii) length (measured along the radius from the inside arc to the outside arc)—more than 11/16 inch. Such pieces that are not wedge-shaped may be predominantly of irregular shapes and do not have the appearance of any uniformly cut unit, such as cubes or tidbits.

(7) "Cubes" or "diced" pineapple consist of approximate cube-shaped pieces.

(8) "Vertical cuts" of pineapple are longitudinal sections cut from the prepared cylinder of pineapple.

(9) "Crushed" pineapple is pineapple that has been cut, shredded, or crushed into a comminuted form or into small, irregularly shaped pieces that do not have the appearance of any regularly cut unit. This style includes, but is not limited to, styles commonly called

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[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

"crushed," "finely cut crushed," "coarse cut crushed," or similar designations, and may include any combinations thereof.

(b) *Grades of canned pineapple.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good color; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 90 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade B" or "U. S. Choice" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 80 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade C" or "U. S. Standard" is the quality of half slices and broken slices of canned pineapple that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; that possesses a fairly good flavor and odor; and that is of such quality with respect to uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(4) "U. S. Grade D" or "Substandard" is the quality of sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of U. S. Grade B or U. S. Choice; or is the quality of half slices or broken slices of canned pineapple that fails to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Recommended designations of liquid media and Brix measurements.*

"Cut-out" requirements for liquid media or packing media are not incorporated in the grades of the finished product since sirup or any other liquid medium or a dry sweetening ingredient, as such, is not a factor of quality for the purpose of these grades.

(1) It is recommended that canned pineapple have the following indicated "cut-out" Brix measurement for the respective designation, which designations include, but are not limited to, the following:

Designation for all styles, except "crushed"	*Brix measurement*
Extra heavy sirup	22° or more, but not more than 35°.
Heavy sirup	18° or more, but less than 22°.
Light sirup	14° or more, but less than 18°.
Designation for "crushed"	
Sweetened extra heavy	22° or more, but not more than 35°.
Sweetened heavy	18° or more, but less than 22°.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned pineapple be filled as full as practicable without impairment of quality and that the product and packing medium, if any, occupy not less than 90 percent of the volume of the container.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations for the various styles in Table I, Table II, and Table III of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned pineapple is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch, ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and the pineapple less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR SLICES, HALF SLICES, AND BROKEN SLICES

Container designation	Container size—over-all dimensions		Slices	Half slices	Broken slices
	Width	Height			
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4	-------	-------
No. 1 flat	3 7/16	2 5/16	5 1/4	-------	-------
8 Z tall	2 11/16	3 4/16	-------	-------	-------
211 cylinder	2 11/16	4 1/16	-------	-------	-------
No. 1 1/4	4 1/16	2 7-1/16	9 1/4	9 1/4	-------
No. 2	3 7/16	4 9/16	12 3/4	12 1/2	12 1/4
No. 2 1/2	4 1/16	4 11/16	18 1/4	18	18
No. 10	6 9/16	7	61 1/2	-------	62 1/2

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CHUNKS, CUBES, AND VERTICAL CUTS

Container designation	Container size—over-all dimensions		Chunks	Cubes	Vertical cuts
	Width	Height			
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4	4	-------
No. 1 flat	3 7/16	2 5/16	5	5	-------
8 Z tall	2 11/16	3 4/16	5	5	-------
211 cylinder	2 11/16	4 1/16	7 3/4	7 3/4	8 1/4
No. 1 1/4	4 1/16	2 7-1/16	9 1/4	9 1/4	-------
No. 2	3 7/16	4 9/16	12 3/4	12 3/4	12 3/4
No. 2 1/2	4 1/16	4 11/16	18 1/4	18 1/4	18 1/4
No. 10	6 9/16	7	65 3/4	71 1/4	-------

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR TIDBITS, SALAD CUTS, AND CRUSHED

Container designation	Container size—over-all dimensions		Tidbits salad cuts	Crushed		
	Width	Height		Regular pack	Heavy pack	Solid pack
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4	4 3/4	-------	-------
No. 1 flat	3 7/16	2 5/16	5	6	-------	-------
8 Z tall	2 11/16	3 4/16	5	5 3/4	-------	-------
211 cylinder	2 11/16	4 1/16	7 3/4	9	-------	-------
No. 1 1/4	4 1/16	2 7-1/16	9 1/4	9 3/4	-------	-------
No. 2	3 7/16	4 9/16	12 3/4	13 3/4	-------	-------
No. 2 1/2	4 1/16	4 11/16	18 1/4	19 3/4	-------	-------
No. 10	6 9/16	7	65 3/4	72 1/4	79	85 1/4

(f) *Recommended count and size of slices and half slices.* The recommended minimum number of slices and half slices, together with the recommended approximate thickness and approximate diameter for the respective counts per container, are shown in Table IV for the most common container sizes for these styles.

TABLE IV

Container designation	Slices	Half slices	Approximate thickness of slices and half slices	Approximate diameter of slices and half slices	Approximate diameter of core holes
	Minimum per can	Minimum per can			
			Inches	*Inches*	*Inches*
300 x 204	4	-------	3/16	2 1/2	1 1/16 to 1 3/16
No. 10	57	-------	5/16	2 1/2	1 1/16 to 1 3/16
No. 1 flat	4	-------	3/16	2 15/16	1 1/16 to 1 3/16
No. 2	10	20	3/16	2 15/16	1 1/16 to 1 3/16
No. 10	50	-------	5/16	2 15/16	1 1/16 to 1 3/16
No. 1 1/4	4	8	3/16	3 1/2	1 1/4 to 1 3/16
No. 2 1/2	8	16	3/16	3 1/2	1 1/4 to 1 3/16
No. 10	28	-------	3/16	3 1/2	1 1/4 to 1 3/16

(g) *Ascertaining the grade.* (1) The grade of canned pineapple may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size and shape for the applicable style, absence of defects, and character. The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors:	*Points*
(i) Color	20
(ii) Uniformity of size and shape	20
(iii) Absence of defects	30
(iv) Character	30
Total score	100

(2) "Good flavor and odor" means that the canned pineapple possesses a distinct and normal flavor for the variety; is characteristic of properly ripened and properly matured pineapple that has been properly prepared and processed; and is free from objectionable flavors and objectionable odors of any kind.

(3) "Fairly good flavor and odor" means that the canned pineapple may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(h) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

(1) *Color.* (i) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good color may be given a score of 18 to 20 points. "Good color" means that the color of the pineapple units or mass is bright and is characteristic of properly ripened and properly matured pineapple of similar varietal characteristcs; and that there may be slight variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks

may be present: *Provided*, That such variations do not materially affect the appearance of the product.

(ii) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a reasonably good color may be given a score of 16 or 17 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the pineapple units or mass may be slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not seriously affect the appearance of the product.

(iii) Half slices and broken slices of canned pineapple that possesses a fairly good color may be given a score of 14 or 15 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the pineapple units may be slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units or within each unit, and that white radiating streaks may be present: *Provided*, That such variations do not seriously affect the appearance of the product.

(iv) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that for any reason is off color or that fails to meet the requirements of subdivision (ii) of this subparagraph, and half slices or broken slices of canned pineapple that for any reason is off color or that fails to meet the requirements of subdivision (iii) of this subparagraph, may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* The factor of uniformity of size and shape is not based on any detailed requirements and is not scored for the style of crushed pineapple; the other three factors (color, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score for canned crushed pineapple:

(i) Sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts canned pineapple that is practically uniform in size and shape may be given a score of 18 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(*a*) *Sliced.* The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than 1/16 inch.

The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than 3/32 inch.

The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than 1/8 inch. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(*b*) *Tidbits.* Not more than 10 percent by weight of the units may fail to conform to any one or more of the following dimensions:

Length of outside arc—more than 3/8 inch but not more than 3/4 inch;
Thickness—more than 5/16 inch but not more than 1/2 inch;
Length (measured along the radius from the inside arc to the outside arc)—more than 11/16 inch but not more than 1 1/4 inches.

(*c*) *Salad cuts.* Not more than 10 percent by weight of the units may fail to conform to any one or more of the following dimensions:

Length of outside arc—more than 3/4 inch but not more than 2 inches;
Thickness—more than 5/16 inch but not more than 15/16 inch;
Length (measured along the radius from the inside arc to the outside arc)—more than 5/8 inch but not more than 1 1/4 inches.

(*d*) *Chunks.* (*1*) If predominantly wedge-shaped or if predominantly of a similar distinct shape, none of the pieces may exceed 1 1/2 inches in any edge dimension and not less than an aggregate of 90 percent by weight of the units consist of pieces which (*i*) weigh more than 3/16 of an ounce each and (*ii*) exceed at least one of the following dimensions:

Length of outside arc—3/4 inch;
Thickness—1/2 inch;
Length (measured along the radius from the inside arc to the outside arc)—11/16 inch;

or (*2*) if predominantly of irregular sizes and shapes, none of the pieces may exceed 1 1/2 inches in any edge dimension and not less than 90 percent by weight of the units consist of pieces which weigh more than 3/16 of an ounce each.

(*e*) *Cubes.* Not more than 10 percent by weight of the units may consist of pieces which weigh more than 3/16 of an ounce each, are more than 3/4 inch in greatest edge dimension, or pass through a 5/16-inch square opening.

(*f*) *Vertical cuts.* The units are of substantially equal length and not more than 10 percent by count of the units, or not more than 1 unit in a container of less than 10 units, may be less than 3/4 inch or more than 1 1/4 inches in the longest dimension edge other than any longitudinal measurement.

(ii) If the sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts canned pineapple is reasonably uniform in size and shape, a score of 16 or 17 points may be given. "Reasonably uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(*a*) *Sliced.* The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than 1/8 inch.

The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than 1/8 inch.

The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than 1/4 inch. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

The ratio of the weight of the largest slice to the weight of the smallest slice does not exceed 1.33.

(*b*) *Tidbits.* Not more than 20 percent by weight of the units may fail to conform to any one or more of the following dimensions:

Length of outside arc—more than 3/8 inch but not more than 3/4 inch;
Thickness—more than 5/16 inch but not more than 1/2 inch;
Length (measured along the radius from the inside arc to the outside arc)—more than 11/16 inch but not more than 1 1/4 inches.

(*c*) *Salad cuts.* Not more than 20 percent by weight of the units may fail to conform to any one or more of the following dimensions:

Length of outside arc—more than 3/4 inch but not more than 2 inches;
Thickness—more than 5/16 inch but not more than 15/16 inch;
Length (measured along the radius from the inside arc to the outside arc)—more than 5/8 inch but not more than 1 1/4 inches.

(*d*) *Chunks.* (*1*) If predominantly wedge-shaped or if predominantly of a similar distinct shape, none of the pieces may exceed 1 1/2 inches in any edge dimension; not less than 85 percent by weight of the units consist of pieces which weigh more than 3/16 of an ounce each; and not less than 80 percent by weight of the units exceed at least one of the following dimensions:

Length of outside arc—3/4 inch;
Thickness—1/2 inch;
Length (measured along the radius from the inside arc to the outside arc)—11/16 inch;

or (*2*) if predominantly of irregular sizes and shapes, none of the pieces may exceed 1 1/2 inches in any edge dimension and not less than 85 percent by weight of the units consist of pieces which weigh more than 3/16 of an ounce each.

(*e*) *Cubes.* Not more than 20 percent by weight of the units may consist of pieces which weigh more than 3/16 of an ounce each, are more than 3/4 inch in greatest edge dimension, or pass through a 5/16-inch square opening.

(*f*) *Vertical cuts.* The units are of reasonably uniform length; not more than 20 percent by count of the units, or not more than one unit in a container of less than 5 units, may be less than 3/4 inch or more than 1 1/4 inches in the longest dimension edge other than any longitudinal measurement; and the ratio of the weight of the largest vertical cut to the weight of the smallest vertical cut does not exceed 1.33.

(iii) If the canned pineapple consists of half slices or broken slices that are fairly uniform in size and shape, a score of 14 or 15 points may be given. "Fairly uniform in size and shape" has the following meaning with respect to, and applies only to, the following styles:

(*a*) *Half slices.* Not more than an aggregate of 10 percent by count of the units, or not more than 1 unit in a con-

tainer of less than 10 units, may consist of portions that are smaller or larger than an approximate half slice or may consist of portions that do not have approximately the same measurement at the radial axis but do have approximately the same thickness as contrasted with the measurements of the predominating half slices; and the ratio of the weight of the largest unit to the weight of the smallest approximate half slice does not exceed 1.66. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(b) *Broken slices.* Not more than an aggregate of 10 percent by weight of the units may consist of portions that are smaller than one-fourth of a slice, may consist of portions that are larger than three-fourths of a slice, or may consist of portions that do not have approximately the same measurement at the radial axis but do have approximately the same thickness as contrasted with the measurements of the predominating broken slices. "Radial axis" means the measurement along the radius from the inside arc to the outside arc.

(iv) Sliced, tidbits, salad cuts, chunks, cubes, or vertical cuts of canned pineapple that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule).

(v) Half slices or broken slices that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade C or Standard, regardless of the total score for the product (this is a limiting rule).

(3) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from units that are crushed or excessively trimmed or split for the applicable style; from units that are blemished or seriously blemished; and from any other defects which detract from the appearance or edibility of the product.

(i) "Crushed" means that a unit in sliced, half sliced, broken sliced, tidbits, salad cuts, chunks, or vertical cuts of canned pineapple has been seriously crushed so that the unit is not of normal shape.

(ii) "Excessively trimmed" means that a unit in sliced, half sliced, broken sliced, or vertical cuts of canned pineapple has been so trimmed that it does not retain the apparent original conformation of the prepared unit. "Slight trimming" means that the trimming may be noticeable but does not affect the conformation of the units.

(iii) "Split" means that a slice or half slice in sliced or half sliced pineapple is definitely severed from core hole to perimeter or that a vertical cut is completely divided into segments.

(iv) "Blemished" means that the unit possesses any blemish (or combination of blemishes) which materially affects the appearance or edibility of the unit and includes, but is not limited to, any fruit eye or portion thereof which on the exposed portion exceeds the area of a circle 1/16 inch in diameter, brown spots, pieces of shell, bruised portions, and other similar injuries or blemishes.

(v) "Seriously blemished" means that the unit is blemished to the extent that the blemish or blemishes seriously affect the appearance or edibility of the unit and includes, but is not limited to, deep fruit eyes and serious brown spots.

(vi) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the product is practically free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(a) *Sliced.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; an occasional slice may be slightly trimmed but none of the slices are excessively trimmed; not more than 5 percent by count of the slices may be blemished or seriously blemished; and not more than 10 percent by count of the slices may be split in not more than 1 place. One slice in a single container is permitted to be blemished or seriously blemished or split if such slice exceeds the respective allowance of 5 percent or 10 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 5 percent by count of the total number of units, and that such split units do not exceed an average of 10 percent by count of the total number of units.

(b) *Tidbits.* Not more than 3 units in containers of less than 150 units or not more than 2 percent by count of the units in containers of 150 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(c) *Salad cuts.* Not more than 2 units in containers of less than 100 units or not more than 2 percent by count of the units in containers of 100 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(d) *Chunks.* Not more than 3 units in containers of less than 70 units or not more than 5 percent by count of units in containers of 70 or more units may be crushed; and not more than 5 percent by count of all the units may be blemished or seriously blemished but of such 5 percent not more than one-half thereof, or not more than 2½ percent by count of all the units, may be seriously blemished.

(e) *Cubes.* Not more than 2 percent by weight of all the drained units may be blemished or seriously blemished but of such 2 percent not more than one-half thereof, or not more than 1 percent by weight of all the drained units, may be seriously blemished.

(f) *Vertical cuts.* Not more than 1 unit in a container may be crushed; an occasional vertical cut may be slightly trimmed but none of the vertical cuts are excessively trimmed; not more than 5 percent by count of the units may be blemished or seriously blemished; and not more than 10 percent by count of the vertical cuts may be split in not more than 1 place. One vertical cut in a single container is permitted to be blemished or seriously blemished or split if such vertical cut exceeds the respective allowance of 5 percent or 10 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 5 percent by count of the total number of units, and that such split units do not exceed an average of 10 percent by count of the total number of units.

(g) *Crushed.* Not more than ½ percent by weight of the drained pineapple may be blemished or seriously blemished. In determining the weight of any blemished material, the weight of the entire piece which is blemished is included and the percentage based on the drained weight of the crushed pineapple.

(vii) If the sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple is reasonably free from defects, a score of 24 to 26 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the product is reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition has the following meanings with respect to the following styles of canned pineapple:

(a) *Sliced.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; the slices may be slightly trimmed but none of the slices are excessively trimmed; not more than 12½ percent by count of the slices may be blemished or seriously blemished; and not more than 25 percent by count of the slices may be split in not more than 2 places per slice. One slice in a single container is permitted to be blemished or seriously blemished and 1 slice is permitted to be split if such slices exceed the respective allowance of 12½ percent by count and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(b) *Tidbits.* Not more than 3 units in containers of less than 150 units or not more than 2 percent by count of the units in containers of 150 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(c) *Salad cuts.* Not more than 2 units in containers of less than 100 units or not

more than 2 percent by count of the units in containers of 100 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(d) *Chunks.* Not more than 3 units in containers of less than 70 units or not more than 5 percent by count of units in containers of 70 or more units may be crushed; and not more than 12½ percent by count of all the units may be blemished or seriously blemished but of such 12½ percent not more than one-half thereof, or not more than 6¼ percent by count of all the units, may be seriously blemished.

(e) *Cubes.* Not more than 4 percent by weight of all the drained units may be blemished or seriously blemished but of such 4 percent not more than one-half thereof, or not more than 2 percent by weight of all the drained units, may be seriously blemished.

(f) *Vertical cuts.* Not more than 1 unit in a container may be crushed; the vertical cuts may be slightly trimmed but none of the vertical cuts are excessively trimmed; not more than 12½ percent by count of the vertical cuts may be blemished or seriously blemished; and not more than 25 percent by count of the vertical cuts may be split in not more than 2 places per cut. One vertical cut in a single container is permitted to be blemished or seriously blemished and 1 vertical cut is permitted to be split if such cuts exceed the respective allowance of 12½ percent by count and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(g) *Crushed.* Not more than ¾ percent by weight of the drained pineapple may be blemished or seriously blemished. In determining the weight of any blemished material, the weight of the entire piece which is blemished is included and the percentage based on the drained weight of the crushed pineapple.

(viii) If the canned pineapple consists of half slices or broken slices that are fairly free from defects, a score of 21 to 23 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the product is fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition has the following meanings with respect to, and applies only to, the following styles:

(a) *Half slices.* Not more than 3 units in containers of more than 25 units or not more than 1 unit in containers of 25 units or less may be crushed; the half slices may be trimmed but none of the half slices are excessively trimmed; and not more than 12½ percent by count of the units may be blemished or seriously blemished; and not more than 25 percent by count of the half slices may be split in not more than 1 place per unit. One unit in a single container is permitted to be blemished or seriously blemished and 1 half slice is permitted to be split if such unit and half slice exceed the respective allowance of 12½ percent and 25 percent by count: *Provided,* That in all containers comprising the sample such blemished or seriously blemished units do not exceed an average of 12½ percent by count of the total number of units, and that such split units do not exceed an average of 25 percent by count of the total number of units.

(b) *Broken slices.* Not more than 5 percent by count of the units may be crushed; the broken slices may be trimmed but none of the broken slices are excessively trimmed; and not more than 12½ percent by count of the units may be blemished or seriously blemished.

(ix) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of subdivision (vii) of this subparagraph, and half slices or broken slices that fail to meet the requirements of subdivision (viii) of this subparagraph, may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(4) *Character.* The factor of character refers to the degree of ripeness and maturity, the texture of the fruit, and the degree of freedom from core material. Core material shall not be considered unless such material may be definitely identified as hard and characteristic of the center structure of pineapple. In determining the weight of core material, such portions are cut cleanly from the rest of the fruit.

(i) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that possesses a good character may be given a score of 27 to 30 points. "Good character" has the following meanings with respect to the following styles of canned pineapple:

(a) *Sliced.* The slices are of practically uniform ripeness, are at least reasonably firm with the fruitlets appearing as a compact structure, are reasonably free from porosity; and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(b) *Tidbits, salad cuts, cubes, vertical cuts, or crushed.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity; and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(c) *Chunks.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity, and the units are practically free from any core material.

(ii) If the sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple possesses a reasonably good character, a score of 24 to 26 points may be given. Canned pineapple that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pineapple:

(a) *Sliced.* The slices are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the slices are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(b) *Tidbits, salad cuts, cubes, vertical cuts, or crushed.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(c) *Chunks.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 2½ percent by weight of the drained pineapple that is core material.

(iii) Half slices and broken slices of canned pineapple that possesses a fairly good character may be given a score of 21 to 23 points. Canned pineapple that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles:

(a) *Half slices and broken slices.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and there may be present not more than 5 percent by weight of the drained pineapple that is core material.

(iv) Sliced, tidbits, salad cuts, chunks, cubes, vertical cuts, or crushed canned pineapple that fails to meet the requirements of subdivision (ii) of this subparagraph, and half slices or broken slices that fail to meet the requirements of subdivision (iii) of this subparagraph, may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(i) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to each limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points

below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(j) *Score sheet for canned pineapple.*

Size and kind of container		.....
Container mark or identification		.....
Label		.....
Net weight (ounces)		.....
Vacuum (inches)		.....
Drained weight (ounces)		.....
Brix measurement		.....
Sirup designation (Extra heavy, heavy, etc.)		.....
Style		.....
Count		.....
Approximate sizes—Slices or half slices		.....
Thickness		.....
Diameter		.....
Diameter of core hole		.....
Factors	**Score points**	
I. Color	20	(A) 18-20 (B) ¹16-17 (C) ¹14-15 (D) ¹0-13
II. Uniformity of size and shape	20	(A) 18-20 (B) 16-17 (C) 14-15 (D) ¹0-13
III. Absence of defects	30	(A) 27-30 (B) ¹24-26 (C) ¹21-23 (D) ¹0-20
IV. Character	30	(A) 27-30 (B) ¹24-26 (C) ¹21-23 (D) ¹0-20
Total score	100	
Flavor and odor		.....
Grade		.....

¹ Indicates limiting rule.

(k) *Effective time and supersedure.* The revised United States Standards for Grades of Canned Pineapple (which are the third issue) contained in this section shall become effective upon publication of these standards in the FEDERAL REGISTER and thereupon supersede the United States Standards for Grades of Canned Pineapple which have been in effect since May 31, 1943.

For the reasons hereinafter set forth it is hereby found and determined that good cause exists for making these revised standards effective immediately upon publication in the FEDERAL REGISTER. Careful consideration has been given to the comments and suggestions received from interested parties with respect to these revised standards. It was urged that the existing standards be revised as set forth herein, and that the revised standards be made effective as soon as possible in order that they may serve as a basis for packing and selling the current and forthcoming crops of canned pineapple. The nature and effect of these revised standards are well known to the industry and will require no preparation prior to their issuance. Accordingly, it is contrary to the public interest to postpone the effective date until 30 days after publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087, Pub. Law 146, 81st Cong.; 7 U. S. C. 1622)

Issued at Washington, D. C., this 22d day of June 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-5516; Filed, June 26, 1950; 8:50 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 962—HANDLING OF FRESH PEACHES GROWN IN GEORGIA

ORDER AMENDING ORDER REGULATING HANDLING

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AUTHORITY: §§ 962.0 to 962.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c.

FINDINGS AND DETERMINATIONS

§ 962.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. (For original findings relative issuance Order No. 62, see F. R. Doc. 42-3616; 7 F. R. 3019.)

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the rules of practice and procedure effective thereunder (7 CFR, Part 900), a public hearing was held at Macon, Georgia, beginning on February 23, 1950, upon proposed amendments to the marketing agreement and Order No. 62, effective April 27, 1942, regulating the handling of fresh peaches grown in the State of Georgia. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order as hereby amended regulates the handling of fresh peaches grown in the State of Georgia in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held; and

(3) There are differences in the marketing of peaches grown in the production area covered by said order as hereby amended that make necessary different terms and provisions applicable to different marketing areas; and said amendatory order prescribes, so far as practicable, such different terms, applicable to different marketing areas, as are necessary to give due recognition to such differences.

(b) *Additional findings.* It is hereby found and determined, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). It is necessary, in the public interest, to make this order effective upon publication in the FEDERAL REGISTER, so as to facilitate, promote, and maintain orderly marketing of the peaches covered hereunder. Shipments of early varieties of Georgia peaches are now being made in a limited way, but movement in volume is imminent. It is necessary, therefore, to make this order effective promptly so that regulations may be formulated and issued prior to the commencement of such volume shipments. Thus, the benefits of the program will be available to producers and handlers at least throughout most of the marketing season for the 1950 crop. The provisions of this order are well known to handlers, the public hearing on the amendments having been held in Macon, Georgia, on February 23 and 24, 1950, and the recommended decision and final decision having been published on April 15 (15 F. R. 2147), and May 17, 1950 (15 F. R. 2949), respectively. Handlers and producers have received copies of the text of the amendatory order; and compliance with the provisions hereof will not require any advance preparation on the part of persons subject thereto that cannot be completed prior to such effective date.

(c) *Determinations.* It is hereby determined that: (1) The agreement, amending the marketing agreement regulating the handling of fresh peaches grown in the State of Georgia, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the peaches covered by this order) who, during the period May 1, 1949, through April 30, 1950, handled not less than 50 percent of the volume of peaches covered by said order as hereby amended;

(2) The aforesaid agreement, amending the said marketing agreement, has been executed by handlers who were signatory parties to said marketing agreement and who during the determined representative period (May 1, 1949, through April 30, 1950) shipped not less than 50 percent of the peaches grown in the State of Georgia, shipped by all signatory handlers to said marketing agreement during such representative period;

(3) The issuance of this order, amending the aforesaid order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the aforesaid representative period have been engaged, within the State of Georgia, in the production of peaches for market; and

(4) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during said representative period, have produced for market at least two-thirds of the volume of such peaches produced for market within the State of Georgia.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of fresh peaches grown in the State of Georgia shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended; and such order is hereby amended to read as follows:

DEFINITIONS

§ 962.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or the Under Secretary of Agriculture of the United States, or the Assistant Secretary of Agriculture of the United States, or any officer or employee of the United States Department of Agriculture to whom the Secretary of Agriculture of the United States has heretofore lawfully delegated, or to whom the Secretary of Agriculture of the United States may hereafter lawfully delegate, the authority to act in his stead.

§ 962.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 962.3 *Person.* "Person" means an individual, marketing agent, partnership, corporation, marketing agency, association, legal representative, or any organized group or business unit of individuals.

§ 962.4 *Area.* "Area" means and includes the entire State of Georgia.

§ 962.5 *Peaches.* "Peaches" means and includes all varieties of peaches grown within the aforesaid area.

§ 962.6 *Shipper.* "Shipper" is synonymous with "handler" and means any person who, as owner, agent, or otherwise, handles peaches.

§ 962.7 *Ship.* "Ship" is synonymous with "handle" and means to sell, transport, or in any other way (except as a common or contract carrier of peaches owned by another person) to place peaches, in fresh form, in the current of commerce between the State of Georgia and any point outside thereof.

§ 962.8 *Grower.* "Grower" means any person engaged in the production of peaches for market; however, as used in § 962.62 "grower" shall also include any purchaser of a crop of peaches on the trees.

§ 962.9 *Fiscal period.* "Fiscal period" means the period beginning on March 1 of each year and ending on the last day of February of the following year.

§ 962.10 *District.* "District" means the applicable one of the following described geographical subdivisions of the area:

(a) "South Georgia District" shall include the counties of Muscogee, Chattahoochee, Marion, Taylor, Crawford, Bibb, Twiggs, Wilkinson, Washington, Jefferson, Glascock, Burke, Johnson, Emanuel, Jenkins, Screven, Stewart, Webster, Schley, Macon, Peach, Houston, Sumter, Dooly, Pulaski, Bleckley, Laurens, Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Troutlen, Chandler, Bulloch, Effingham, Clay, Calhoun, Dougherty, Worth, Turner, Tift, Irwin, Ben Hill, Telfair, Wheeler, Montgomery, Toombs, Tattnall, Evans, Bryan, Chatham, Early, Miller, Baker, Mitchell, Colquitt, Cook, Berrien, Coffee, Bacon, Wayne, McIntosh, Jeff Davis, Appling, Long, Liberty, Seminole, Decatur, Grady, Thomas, Brooks, Lowndes, Lanier, Echols, Atkinson, Clinch, Ware, Pierce, Brantley, Glynn, Charlton, and Camden;

(b) "Central Georgia District" shall include the counties of Carroll, Douglas, Fulton, De Kalb, Rockdale, Newton, Walton, Morgan, Greene, Taliaferro, Warren, McDuffie, Columbia, Heard, Coweta, Fayette, Clayton, Henry, Jasper, Putnam, Hancock, Troup, Meriwether, Spalding, Butts, Pike, Lamar, Monroe, Jones, Baldwin, Richmond, Harris, Talbot, and Upson; and

(c) "North Georgia District" shall include the counties of Dade, Catoosa, Whitfield, Murray, Fannin, Union, Towns, Rabun, Walker, Chattooga, Gordon, Gilmer, Pickens, Lumpkin, White, Habersham, Floyd, Bartow, Cherokee, Dawson, Hall, Banks, Stephens, Franklin, Hart, Polk, Haralson, Paulding, Cobb, Forsyth, Gwinnett, Barrow, Jackson, Madison, Clarke, Oconee, Oglethorpe, Elbert, Wilkes, and Lincoln.

§ 962.11 *Adjacent markets.* "Adjacent markets" means the States of Florida, Alabama, Tennessee, North Carolina, and South Carolina.

COMMITTEES

§ 962.15 *Establishment of Industry Committee.* An Industry Committee, consisting of eight (8) members, is hereby established to administer the terms and provisions of this part. The members of said Industry Committee, and their respective alternates, shall be selected in accordance with the provisions of this part.

§ 962.16 *Representation by districts on Industry Committee.* Three (3) members of the Industry Committee shall be selected from among growers in the South Georgia District; three (3) members of the committee shall be selected from among growers in the Central Georgia District; and two (2) members of the committee shall be selected from among growers in the North Georgia District.

§ 962.17 *Selection of initial members of Industry Committee.* The initial members of the Industry Committee, and their respective alternates, shall be selected by the Secretary as soon as reasonably possible after the effective date of this subpart (Apr. 27, 1942). In thus

selecting the initial members and alternates, the Secretary may consider such nominations or suggestions, if any, as may be submitted by growers, and such nominations or suggestions may be by virtue of elections conducted by groups of growers prior to, or immediately subsequent to, the effective date of this subpart (Apr. 27, 1942). Each of the initial members and his respective alternate shall serve for a term ending on February 28, 1943, and in the event that the respective person's successor has not been selected and qualified by February 28, 1943, such person shall serve until his successor has been selected and qualified. In selecting such initial members and their alternates, the Secretary shall make his selection upon the basis of the representation by districts provided for in §§ 962.15 through 962.38.

§ 962.18 *Nomination of succeeding members of Industry Committee.* The Industry Committee shall, after the year 1942, hold or cause to be held prior to January 31 of each year a meeting or meetings of growers in each of the districts designated in § 962.10, for the purpose of designating nominees from among whom the Secretary may select members and alternate members of the Industry Committee. The committee shall give adequate notice of any such meeting or meetings to all growers in the respective district.

§ 962.19 *Conduct of nomination meetings.* At each election meeting held to nominate members and alternate members of the Industry Committee, the growers eligible to participate therein shall select a chairman and a secretary therefor. The chairman of each meeting shall announce at such meeting the name of each person for whom a vote has been cast, whether as member or alternate member, and the number of votes cast for each such person, and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary or the designated representative of the Secretary. At each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district.

§ 962.20 *Eligibility to vote at nomination meetings.* Only growers in attendance at a meeting for election of nominees shall participate in the nomination of members and their alternates. In the event a grower is engaged in producing peaches in more than one district, such grower shall elect the district within which he shall participate in designating nominees. Each grower shall be entitled to cast only one vote on behalf of himself, his agents, affiliates, subsidiaries, and representatives for each position on the committee for which such voter is eligible to participate in designating a nominee at the respective meeting.

§ 962.21 *Selection of members of Industry Committee.* The Secretary may select the members of the Industry Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by growers as provided in §§ 962.15 through 962.38 or the Secretary may select such members and alternates from among other persons.

§ 962.22 *Vacancies.* In the event nominations are not made for membership on the Industry Committee, pursuant to the provisions of §§ 962.15 through 962.38, by February 15 of the respective fiscal period, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Industry Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

§ 962.23 *Qualification.* Each person selected as a member of the Industry Committee or as an alternate member thereof shall promptly qualify by filing with the Secretary, or with the designated representative of the Secretary, a written acceptance of appointment.

§ 962.24 *Alternate members of Industry Committee.* There shall be an alternate member for each member of the Industry Committee. Each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual is to serve as alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and, in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

§ 962.25 *Eligibility for membership on Industry Committee.* A person nominated or selected to serve as a member or as an alternate member of the Industry Committee, for any particular period, shall be an individual grower of peaches in the respective district for which selected, or an officer, employee, or agent of a corporate grower or corporate growers in such district.

§ 962.26 *Term of office.* The members of the Industry Committee and their respective alternates, selected subsequent to the initial members and alternates, shall serve for the fiscal period for which they have been selected and if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

§ 962.27 *Compensation and reimbursement for expenses.* Each member of the Industry Committee, and each alternate member when acting for a member or when designated by the committee to attend, may receive compensation in an amount not in excess of five dollars ($5.00) per day (a) for attending each meeting of the committee; (b) while attending to such committee business as may be authorized by the committee; and (c) for attending each consultation or conference with any committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any other State. In addition to said compensation, each of the aforesaid members and alternate members may be reimbursed for all reasonable expenses necessarily incurred in attending each such meeting, conference, or consultation, or while attending to such committee business.

§ 962.28 *Powers.* The Industry Committee shall have the following powers:

(a) To administer, as herein specifically provided the terms and provisions of this part;

(b) To make, in accordance with the provisions herein contained, administrative rules and regulations;

(c) To receive, investigate, and report to the Secretary complaints of violation hereof; and

(d) To recommend to the Secretary amendments to this subpart.

§ 962.29 *Duties.* The Industry Committee shall have the following duties:

(a) To act as intermediary between the Secretary and any grower or handler;

(b) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary;

(c) To furnish the Secretary such available information as may be requested by the Secretary;

(d) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(e) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(f) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available, at the office of the committee, for inspection by any grower;

(g) To perform such duties in connection with the administration of section 32 of the act to amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the committee by the Secretary;

(h) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of peaches grown in the area or in any other State; and to authorize members and alternate members of the Distributors' Advisory Committee to attend such conferences and consultations;

(i) To defend all legal proceedings against any Industry Committee member or members (individually or as mem-

bers), or any officer or employee of such committee, arising out of any act or omission made in good faith pursuant to the provisions of this subpart;

(j) To select a chairman of the Industry Committee and such other officers as it may deem advisable;

(k) To redefine, subject to the approval of the Secretary, the districts into which the area has been divided in this subpart or change the representation, subject to the approval of the Secretary, from any district on the Industry Committee;

(l) To authorize, whenever the committee deems it advisable, an employee or employees of the committee to perform any ministerial duties of the committee, subject to the limitations set forth in this subpart: *Provided*, That such authorization by the committee shall specify the employee or employees and state definitely the limitation of the authority thus vested in the respective employee or employees: *Provided further*, That the committee shall retain concurrent authority in connection with any such duties and shall not authorize any employee or employees to perform: (1) Any duties of the committee relating to the recommendations to the Secretary pursuant to §§ 962.60 through 962.63; or (2) the duties or authority of the committee relating to the establishment of rules and regulations pursuant to the provisions and subject to the limitations set forth in this subpart;

(m) Each season, prior to making any recommendation to the Secretary for a regulation of shipments pursuant to this subpart to determine the marketing policy to be followed during the ensuing season and to submit a report of such policy to the Secretary as required by § 962.48;

(n) To supervise the regulation of shipments of peaches pursuant to this subpart;

(o) To establish such other committees or subcommittees to aid the Industry Committee in the performance of its duties under this subpart as the Industry Committee may deem advisable;

(p) To submit to the Secretary, prior to May 1 of each fiscal period, a budget of its expenses and a proposed rate of assessment for the then current fiscal period;

(q) To give to the Distributors' Advisory Committee or the chairman thereof the same notice of meetings of the Industry Committee as is given to the members of the said Industry Committee; and

(r) To investigate and to assemble data with respect to the growing, harvesting, shipping, and marketing conditions relating to peaches.

§ 962.30 *Procedure.* (a) The Industry Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A quorum shall consist of five (5) members or alternate members then serving in the place and stead of any members. For any decision of the Industry Committee to be valid, not less than five (5) affirmative votes shall be necessary.

(b) The Industry Committee may provide for the members thereof, including the alternates when acting as members, to vote by mail, telephone, teletypewriter, telegraph, or radiograph, and any such vote by telephone shall be confirmed promptly in writing: *Provided*, That if any assembled meeting of the committee is held, all votes shall be cast in person.

(c) The committee may adopt such rules, not inconsistent with the provisions of this subpart, relative to the method of conducting its business as it may deem advisable.

(d) The Industry Committee shall give to the Secretary or to the designated representative of the Secretary the same notice of its meetings as is given to the members thereof.

§ 962.31 *Funds.* All funds received by the Industry Committee pursuant to any provision of this subpart shall be used solely for the purposes specified in this subpart and shall be accounted for in the following manner: (a) The Secretary may, at any time, require the committee and its members, including alternate members, to account for all receipts and disbursements; and (b) whenever any person ceases to be a member or alternate member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.

§ 962.32 *Distributors' Advisory Committee.* A Distributors' Advisory Committee consisting of seven (7) members, selected by the handlers in accordance with the provisions of this subpart, is hereby established. There shall be an alternate for each member of such committee. Each alternate member shall be designated by the respective person for whom he serves as alternate. An alternate member shall, in the event of such member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

§ 962.33 *Apportionment of representation.* One (1) member of the Distributors' Advisory Committee shall be the handler who shipped during the preceding marketing season the largest proportion of the total shipments of peaches. One (1) member of the committee shall be the handler who shipped during the preceding marketing season the second largest proportion of the total shipments of peaches. One (1) member of the committee shall be the handler who shipped during the preceding marketing season the third largest proportion of the total shipments of peaches. The remaining four (4) members of the committee shall be selected from among other handlers, and in the election of such members each handler shall be entitled to cast one (1) vote for each 387 bushels of peaches, or the equivalent thereof, shipped by such handler during the preceding marketing season for each nominee to be elected: *Provided*, That the aforesaid three (3) members, who shall serve on the said committee, and any corporations, marketing agencies, and cooperative associations which designate any of the three said members to serve on the committee shall not participate in selecting any of the remaining four (4) members of the committee. Each district shall be represented by at least one member, and his respective alternate, on the committee.

§ 962.34 *Eligibility for membership.* Any individual person, except one who is a member or alternate member of the Industry Committee, shall be eligible for membership on the Distributors' Advisory Committee. The membership of the committee may include, but is not limited to, officers, employees, or agents of corporate handlers, marketing agencies, or cooperative associations; and in the event a corporation, marketing agency, or cooperative association qualifies, is elected, or is eligible to serve as a member, under the rules in § 962.33, such corporation, marketing agency, or cooperative association may designate an officer or employee thereof to serve as member or alternate member.

§ 962.35 *Election of initial members.* The initial meeting of handlers, at which members of the Distributors' Advisory Committee are to be selected, shall be called and conducted by the Secretary as soon as reasonably possible after the effective date of this subpart (Apr. 27, 1942). Each handler who desires to vote at said meeting for the selection of members of the Distributors' Advisory Committee shall file with the Secretary an affidavit stating the volume of his shipments and sales of peaches during the preceding marketing season.

§ 962.36 *Election of succeeding members.* Election meetings held subsequent to the initial meeting shall be called and conducted by the Industry Committee not later than April 15 of each fiscal period; and each handler who desires to vote thereat shall file with the Industry Committee, prior to the respective meeting, a statement including the volume of his shipments and sales of peaches during the preceding marketing season.

§ 962.37 *Duties.* The Distributors' Advisory Committee may submit its recommendations at each meeting of the Industry Committee relative to recommendations with respect to the regulation of shipments pursuant to this subpart. When authorized by the Industry Committee, members and alternate members of the Distributors' Advisory Committee may attend, and participate in, conferences and consultations with any other committee, or representatives thereof, established under any marketing agreement and order program, pursuant to the act, with respect to the handling of peaches grown in the area or in any other State.

§ 962.38 *Compensation and reimbursement for expenses.* Each member

of the Distributors' Advisory Committee, and each alternate member when acting for a member, may receive from the Industry Committee compensation and reimbursement for all reasonable expenses necessarily incurred for attendance, when authorized by the Industry Committee, at each meeting of the Distributors' Advisory Committee and at each conference or consultation, as aforesaid, and while attending to such business of the Distributors' Advisory Committee as may be approved by the Industry Committee. The rates of compensation and reimbursement for reasonable expenses incurred, as aforesaid, shall be the same as those applicable to members and alternate members of the Industry Committee.

EXPENSES AND ASSESSMENTS

§ 962.40 *Expenses.* The Industry Committee is authorized to incur such expenses as the Secretary finds may be necessary in order to enable the committee to perform its functions, in accordance with the provisions of this subpart, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as provided in § 962.41, upon handlers.

§ 962.41 *Assessments.* Each handler who first ships peaches shall pay, upon demand, to the Industry Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided,* That no assessment shall be levied against peaches that are exempt pursuant to § 962.71. Such handler's pro rata share of such expenses shall be equal to the ratio between the total assessable quantity of peaches shipped by such handler as the first shipper thereof, during the applicable fiscal period, and the total assessable quantity of peaches shipped by all handlers as the first shippers thereof during the same fiscal period.

§ 962.42 *Rate of assessment.* The Secretary shall specify the rate of assessment to be paid by such handlers.

§ 962.43 *Increase in rate of assessment.* The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the Industry Committee. Any such increase in the rate of assessment shall be applicable to all assessable peaches shipped during the specified fiscal period. In order to provide funds to enable the Industry Committee to perform its functions under this subpart, handlers may make advance payment of assessments.

§ 962.44 *Accounting.* If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

§ 962.45 *Suit to enforce collection.* The Industry Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

MARKETING POLICY

§ 962.48 *Must be submitted prior to recommendation.* Before making any recommendation pursuant to §§ 962.60 through 962.63 for a particular marketing season, the Industry Committee shall submit to the Secretary a report setting forth the advisable marketing policy, for such season, for peaches. Such marketing policy report shall set forth the estimated regulation or regulations which may be recommended by the committee during such season, the justification therefor, and the estimates and other factors enumerated in § 962.49. In the event the committee deems it advisable to alter such marketing policy, subsequent to submitting a report thereon to the Secretary, the committee shall submit to the Secretary a report setting forth such revised marketing policy.

§ 962.49 *Factors to be considered.* In determining such marketing policy, or such revised marketing policy, the Industry Committee, after due consideration, shall include in the report its determinations and estimates of the following factors and conditions: (a) The estimated total quantity of each variety of peaches available for shipment in each district during the season, including the estimated percentage of such quantity of each variety in each district which will be represented by each of the various grades and sizes; (b) the estimated date that peaches of each variety in each district will be mature and ready for shipment; (c) the estimated commercial crop of peaches produced in competing States and the expected time of shipments of peaches from such states; (d) the anticipated competition to peaches from other fruits and melons; (e) the estimated market prices and marketing conditions that are expected to prevail for peaches grown in the area; (f) the estimated harvesting and marketing costs and charges that are expected to apply to peaches grown in the area; (g) the level and trend in commodity prices and consumer purchasing power; and (h) other factors which the Industry Committee deems pertinent to the regulation of the marketing of peaches.

§ 962.50 *Notice shall be given.* The Industry Committee shall promptly notify handlers and growers regarding any marketing policy report in such manner as may be reasonably expected to bring such schedules of proposed regulations, and such other information as the committee deems advisable, to the attention of all handlers and growers.

MATURITY REGULATION

§ 962.54 *Establishment.* The Secretary shall issue an order, whenever he determines that the initial Industry Committee provided for in this subpart is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to §§ 962.54 through 962.56 being and becoming effective at the time specified in said order. After the effective time specified in said order, issued pursuant to the provisions of this section, no handler shall ship peaches which do not meet the requirements for maturity set forth and defined in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may be modified, revised, or new standards promulgated.

§ 962.55 *Modification.* The Industry Committee may recommend to the Secretary the modification of the maturity regulation provided in § 962.54 as to any or all varieties of peaches, and such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to modify such maturity regulation as to any or all varieties of peaches will tend to effectuate the declared policy of the act, he shall so modify such regulation. Such modification may include, but it is not necessarily limited to, a redefinition of the maturity, of any or all varieties of peaches, established pursuant to § 962.54 or the specification of a tolerance or tolerances for immature peaches. Such modification may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such modification.

§ 962.56 *Suspension.* The Industry Committee may recommend to the Secretary the suspension of maturity regulation pursuant to §§ 962.54 and 962.55 and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to suspend such maturity regulation will tend to effectuate the declared policy of the act, he shall suspend the operation of such maturity regulation so as to permit the shipment of peaches, the shipment of which would otherwise be prohibited pursuant to §§ 962.54 through 962.56. Such suspension may be made applicable during a specified period. In like manner and upon the same basis, the Secretary may terminate any such suspension.

REGULATION OF SHIPMENTS

§ 962.60 *By grades and sizes*—(a) *Industry Committee recommendations.* Whenever the Industry Committee deems it advisable to limit the shipment of any variety or varieties of peaches, it shall recommend to the Secretary the grades or sizes, or both, thereof deemed advisable by it to be shipped during a specified period or periods; and any such recommendation may include a proposal that separate requirements be made applicable to shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the proposed grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. At the time of submitting each such recommendation, the Industry Committee shall submit to the Secretary

the supporting data and information upon which it acted in making such recommendation, and shall give consideration, among other things, to the factors required to be considered in connection with the marketing policy. The committee shall submit such other data and information as may be requested by the Secretary. The committee shall promptly give adequate notice to handlers and growers of each such recommendation submitted by it to the Secretary.

(b) *Establishment of grade and size regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee or from other available information, that to limit the shipment of any variety or varieties of peaches to particular grades or sizes, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of peaches during a specified period or periods; and any such regulation may prescribe separate requirements for shipments of any such variety or varieties of peaches to destinations in adjacent markets different from the grade and size limitations applicable to shipments of the same variety to destinations other than in adjacent markets. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give adequate notice thereof to handlers and growers.

(c) *Safeguards.* The Industry Committee may, with the approval of the Secretary, prescribe adequate safeguards to prevent peaches that are permitted to be shipped only to destinations in adjacent markets from being shipped to destinations other than in adjacent markets.

§ 962.61 *By minimum standards of quality and maturity—(a) Industry Committee recommendation.* Whenever the Industry Committee deems it advisable to establish minimum standards of quality or maturity, or of both quality and maturity, to govern shipments of peaches, it shall recommend to the Secretary the particular minimum standards which shipments of peaches must meet. Each such recommendation of the committee shall be in terms of (1) maturity; (2) minimum standards of quality, including but not being limited to, freedom from damage by worms and worm holes and freedom from decay, or (3) any combination or combinations of the foregoing. At the time of submitting each such recommendation to the Secretary, the Industry Committee shall also submit the supporting data and information upon which it acted in making such recommendation. The said committee shall also furnish such other data and information as may be requested by the Secretary.

(b) *Establishment of minimum standards of quality and maturity.* Whenever the Secretary finds, from the recommendation and information submitted by the Industry Committee, or from other available information, that to establish minimum standards of quality or maturity, or of both quality and maturity, for peaches and to limit the shipment of peaches to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall establish such standards, and so limit the shipment of peaches during a specified period or periods. The Secretary shall immediately notify the Industry Committee of the minimum standards so established.

§ 962.62 *Exemption certificates.* (a) The Industry Committee shall, subject to the conditions set forth in this section, provide for the issuance of exemption certificates to growers: *Provided*, That exemption certificates shall not be issued with respect to any variety of peaches during any period when a regulation, pursuant to § 962.60, is in effect and prescribes separate requirements for peaches that may be shipped only to destinations in adjacent markets. The Industry Committee shall, subject to the approval of the Secretary, adopt procedural rules to govern the issuance of exemption certificates, and, after their approval by the Secretary, the Committee shall give adequate notice of such rules to handlers and growers.

(b) In the event the Secretary issues a regulation pursuant to § 962.60 or § 962.61, the Industry Committee shall determine the percentage which the grades or sizes, or both, of each variety of peaches permitted to be shipped from each district, by such regulation issued by the Secretary, is of the total quantity of each variety of peaches which could be shipped from the respective district in the absence of regulation. An exemption certificate shall thereafter be issued to any grower who furnishes proof, satisfactory to the Industry Committee, that by reason of conditions beyond his control he will be prevented because of the regulation established, from shipping a percentage of a particular variety of his peaches equal to the percentage determined as aforesaid. Such exemption certificate shall permit the respective grower to whom the certificate is issued to ship, or have shipped, a percentage of his crop of such variety of peaches equal to the percentage determined as aforesaid. No exemption certificate shall be granted to include peaches which do not meet the maturity requirements then in effect.

(c) The Industry Committee shall maintain a record of all applications submitted for exemption certificates pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of peaches thus to be exempted, and a record of all shipments of exempted peaches; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The Industry Committee shall from time to time submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of peaches thus exempted, and such additional information as may be requested by the Secretary.

(d) In the event the Industry Committee shall determine and report to the Secretary that by reason of general crop failure or any other unusual conditions within a particular district or districts it is not feasible and would not be equitable to issue exemption certificates to growers within that district or those districts on the basis set forth in preceding paragraphs of this section, the Industry Committee may, by resolution duly adopted, specify that an exemption certificate shall be issued to any grower who submits proof satisfactory to said committee to the effect that the respective grower will be prevented because of such regulation from shipping as large a percentage of his peaches of such variety as the average of all growers of such variety of peaches in the number or group of districts specified or enumerated in the resolution thus adopted by the committee.

(e) The Industry Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of peaches which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided*, That the committee shall not authorize an employee or employees (1) to determine the grades or sizes, or both, which could be shipped in the absence of any regulation; (2) determine for any district or districts, the percentage that the quantity of a particular variety or varieties of peaches permitted to be shipped pursuant to grade or size regulation, or both, is of the quantity which could be shipped in the absence of grade or size regulation, or both; or (3) designate a group or number of districts to be used as the area which, because of general crop failure or any other extraordinary conditions within a particular district or districts, shall be used in calculating or determining the average percentage of a variety of peaches that could be shipped by all growers, as set forth in paragraph (d) of this section.

(f) If any grower is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective grower, such grower may appeal to the Industry Committee: *Provided*, That such appeal must be taken promptly after the decision by the respective employee or employees. If any grower is dissatisfied with the determination by the Industry Committee with respect to the grower's application for an exemption certificate or with regard to an appeal, as aforesaid, by said grower from the determination of an employee or employees, such grower may appeal to the Secretary: *Provided*, That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemp-

tion certificate shall be final and conclusive.

§ 962.63 *Modification, suspension, or termination.* Whenever the Industry Committee deems it advisable to recommend the modification, suspension, or termination of any or all of the regulations established pursuant to §§ 962.60 and 962.61, it shall so recommend to the Secretary. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that to modify any such regulations will tend to effectuate the declared policy of the act, he shall so modify such regulations. If the Secretary finds, upon the basis of such recommendation or upon the basis of other available information, that any such regulations obstruct or do not tend to effectuate the declared policy of the act he shall suspend or terminate such regulations. The Secretary shall immediately notify the Industry Committee, and such committee shall promptly give notice to handlers and growers, of each order modifying, suspending, or terminating any such regulations. In like manner and upon the same basis the Secretary may terminate any such modification or suspension.

INSPECTION AND CERTIFICATION

§ 962.64 *Inspection.* During any period in which the shipment of peaches is regulated pursuant to the provisions of this subpart, each handler shall, prior to making each shipment of peaches, cause each such shipment to be inspected by the Federal Inspection Service or the Federal-State Inspection Service or any other inspection service designated by the Secretary: *Provided*, That this requirement shall not be applicable to any shipment of peaches which has been so inspected or which is exempt pursuant to § 962.71. Each handler shall, promptly after making each shipment of peaches, submit to the Industry Committee a copy of the inspection certificate or memorandum issued with respect to such shipment of peaches; and such certificate or memorandum shall state the maturity of the peaches in such shipment and in the event of grade regulation such certificate or memorandum shall also state the grade or grades of peaches in such shipment, and in the event of size regulation such certificate or memorandum shall also state the size or sizes of peaches in such shipment, and in the event separate requirements are in effect for shipments of peaches to destinations in adjacent markets such certificate or memorandum shall also state the composition of such shipment in terms of such requirements, and in the event of regulation by minimum standards of quality or maturity, or both, such certificate or memorandum shall also state the composition of such shipment in terms of such minimum standards. The aforesaid certificate or memorandum shall also state whether the peaches in such shipment meet the then effective requirements applicable to such shipment.

§ 962.70 *Compliance of handlers.* Except as provided in § 962.71, no handler shall ship peaches, the shipment of which has been prohibited in accordance with this subpart; and no handler shall ship peaches except in conformity to the provisions of this subpart and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this subpart.

PEACHES NOT SUBJECT TO REGULATION

§ 962.71 *Peaches not subject to regulation.* Peaches shipped for consumption by a charitable institution or for distribution for relief purposes or for distribution by a relief agency or distribution by non-profit school lunch agencies or peaches for manufacturing, processing, canning, or conversion into by-products on a commercial scale or peaches shipped by express or parcel post, or peaches included in shipments of peaches to any person during any day by any handler if such shipments do not aggregate more than the equivalent of five (5) bushels shall be exempt from the provisions of this subpart. The Secretary may prescribe, on the basis of the recommendation and the information submitted by the Industry Committee, or on the basis of any other available information, adequate safeguards to prevent such peaches from entering the commercial channels of trade for consumption in fresh form.

REPORTS

§ 962.75 *Reports.* For the purpose of enabling the Industry Committee to perform its functions and duties pursuant to the provisions of this subpart, each handler shall furnish to the committee such information, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, as may thus be requested by the committee with regard to each shipment of peaches.

EFFECTIVE TIME AND TERMINATION

§ 962.80 *Effective time.* The provisions of this subpart shall become effective April 27, 1942, and shall continue in force until terminated in one of the ways specified in § 962.81.

§ 962.81 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one (1) day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any of the provisions of this subpart whenever he finds that any such provision does not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds, by referendum or otherwise, that such termination is favored by the majority of the growers who, during such representative period as may be determined by the Secretary, have been engaged in the production of peaches for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty (50) percent of the volume of such peaches produced for market within the area; but such termination shall be effective only if announced on or before the last day of February of the then current fiscal period. The Secretary shall hold such a referendum within the period beginning on September 1, 1944, and ending April 1, 1945, and also each succeeding two years, within the same seven-months' period, to determine whether the termination hereof is favored, as aforesaid, by growers.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 962.82 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the Industry Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; and shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Industry Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Industry Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

(d) Any funds collected for expenses pursuant to the provisions of this subpart and held by such trustees or such other person, over and above amounts necessary to meet outstanding obligations and the expenses incurred necessarily by the trustees or such other person in the performance of their duties hereunder, shall, as soon as practicable after the termination of this subpart, be returned to the handlers pro rata in proportion to their contributions made pursuant to § 962.41.

MISCELLANEOUS PROVISIONS

§ 962.85 *Right of the Secretary.* The members of the Industry Committee, including successors and alternates thereof, and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of each committee provided for in this subpart shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or

other act, and upon such disapproval, at any time, such action by a committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 962.86 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination hereof, except with respect to acts done under and during the existence of this subpart.

§ 962.87 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions of this subpart.

§ 962.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 962.89 *Personal liability.* No member or alternate of said Industry Committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 962.90 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 962.91 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the Industry Committee or by the Secretary.

§ 962.92 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this subpart or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the United States, or of the Secretary, or of any other person with respect to any such violation.

Issued at Washington, D. C., this 21st day of June 1950, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-5493; Filed, June 26, 1950; 8:48 a. m.]

[Plum Order 5]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

Correction

In Federal Register Document 50-5434, appearing on page 4044 of the issue for Friday, June 23, 1950, "§ 936.374" has been redesignated § 936.374a.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 7, Amdt. 43]

PART 60—AIR TRAFFIC RULES

DANGER AREA ALTERATIONS

The danger area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Subcommittee, and are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Title 14, § 60.13-1 is amended as follows:

1. The Camp Cooke, California, temporary area, published on June 10, 1950, in 15 F. R. 3666, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 35°07'00" N, long. 120°36'00" W; due S to a point 3 nautical miles from the shoreline at lat. 34°30'30" N; northerly paralleling the shoreline at a distance of 3 nautical miles to lat. 35°07'00" N, long. 120°42'10" W; due E to lat. 35°07'00" N, long. 120°36'00" W, point of beginning".

2. The Camp Atterbury, Indiana, listing, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, and amended on May 25, 1950, in 15 F. R. 3188, is further amended by changing the "Time of Designation" column to read: "Continuous, from June 18 through August 27, annually".

3. An Upper Red Lake, Minnesota, temporary area is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Using agency
UPPER RED LAKE (Lake of the Woods Chart).	Beginning at lat. 48°10'00" N, long. 95°15'00" W; NNE to lat. 48°15'30" N, long. 95°12'00" W; due E to long. 95°10'00" W; due S to lat. 48°09'00" N; WNW to lat. 48°10'00" N, long. 95°15'00" W, point of beginning.	Surface to 24,000 feet.	Daylight hours only, from Aug. 6 through Aug. 20, 1950.	Minnesota National Guard.

4. The Pine Camp, New York, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, is amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 44°15'00" N, long. 75°31'30" W; SE to lat. 44°11'15" N, long 75°25'00" W; SW to lat. 44°03'00" N, long. 75°33' 30" W; westerly to lat. 44°03'30" N, long. 75°47'30" W; NE to lat. 44°15'00" N, long. 75°31'30" W, point of beginning".

5. The Wilmington, Ohio, area, published on April 21, 1949, in 14 F. R. 1913, and on July 16, 1949, in 14 F. R. 4287, and amended on February 9, 1950, in 15 F. R. 705, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at lat. 39°41'00" N, long. 83°01'30" W; S to lat. 38°48'40" N, long. 83°02'30" W; NW to lat. 39°11'20" N, long. 84°00'00" W; due N to lat. 39°19'45" N; NE to lat. 39°41'45" N, long. 83°32'00" W; E to lat. 39°41'00" N, long. 83°01'30" W, point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 50-5482; Filed, June 26, 1950; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE; OFFICE OF THE SECRETARY OF DEFENSE

1. Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Department of Defense, paragraph (a) of § 6.104 is amended by the addition of subparagraph (10) and the headnote of the section is amended as set out below. These amendments are effective upon publication in the FEDERAL REGISTER.

§ 6.104 *Department of Defense*—(a) *Office of the Secretary of Defense.* * * *

(10) One private secretary or confidential assistant to each Assistant Secretary of Defense.

2. Section 6.146, which excepted certain positions in the Commission on Organization of the Executive Branch of the Government, is revoked due to termination of the Commission.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633; E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.; E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-5489; Filed, June 26, 1950; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5664]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LADY CAROLE COATS, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 3.1190 *Composition; Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively to make material disclosure:* § 3.1845 *Composition—Wool Products Labeling Act.* In connection with the manufacture for introduction, or introduction into commerce, or the sale, transportation or distribution in commerce, of ladies' coats which contain, purport to contain or in any way are represented as containing "wool", "reprocessed wool", or "reused wool", as defined in the Wool Products Labeling Act of 1939, or any other wool products as there defined, misbranding such products by failing to affix securely to or place on each such product a stamp, tag, label or other means of identification or a substitute therefor, showing in a clear and conspicuous manner; (a) the percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is 5 per centum or more; and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter; and (c) in the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof; prohibited, subject to the provision, however, that the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and subject to the further provision that nothing contained in the order shall be construed as limiting any applicable provision of said act or of the rules and regulations promulgated thereunder.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 15, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lady Carole Coats, Inc., et al., Docket 5664, April 4, 1950]

In the Matter of Lady Carole Coats, Inc., a Corporation, and Max Indig, Individually and as an Officer of Lady Carole Coats, Inc.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, testimony and other evidence in support of and in opposition to the allegations of the complaint introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and brief of counsel in support of the complaint (no brief having been filed on behalf of the respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Wool Products Labeling Act of 1939 and the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Lady Carole Coats, Inc., a corporation, and its officers, and the respondent Max Indig, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the manufacture for introduction, or introduction, into commerce, or the sale, transporation or distribution in commerce, as "commerce" is defined in the aforesaid acts, of ladies' coats which contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in the Wool Products Labeling Act of 1939, or any other wool products, as that term is defined in said act, do forthwith cease and desist from misbranding such products by failing to affix securely to or place on each such product a stamp, tag, label or other means of identification or a substitute therefor, showing in a clear and conspicuous manner:

(A) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding 5 per centum of said fiber weight, of (1) wool; (2) reprocessed wool; (3) reused wool; (4) each fiber other than wool where said percentage by weight of such fiber is 5 percentum or more; and (5) the aggregate of all other fibers;

(B) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling, or adulterating matter;

(C) In the case of a wool product containing a fiber other than wool, the percentages by weight, in words and figures plainly legible, of the wool contents thereof;

Provided, That the foregoing shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; *And provided, further*, That nothing ccntained in this order shall be construed as limiting any applicable provision of said act or of the rules and regulations promulgated thereunder.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with said order.

Issued: April 4, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5501; Filed, June 26, 1950; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52508]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

PART 25—CUSTOMS BONDS

EXAMINATION PACKAGES; REDELIVERY BONDS; BOND STIPULATIONS

Effective date of T. D. 52403, relating to examination packages and redelivery bonds, prescribed. Section 25.5, Customs Regulations of 1943, as to bond stipulations, amended.

1. Reference is made to T. D. 52403, 15 F. R. 793, approved February 8, 1950, which provides that the regulations therein promulgated (§§ 8.18, 8.26 and 8.29) shall be effective on and after a date to be fiixed in a Treasury decision to be published promptly after the bonds referred to in such Treasury decision have been printed and distributed to collectors of customs.

As supplies of the revised issues of customs Forms 7551 and 7553, immediate delivery and consumption entry bonds; customs Form 7595, general term bond for entry of merchandise; the general bond for smelting and refining warehouses; and new customs Form 7601, bond of actual owner to cover the payment of increased and additional duties and taxes, are now available, the regulations promulgated in T. D. 52403 shall be effective on and after July 15, 1950.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

2. Section 25.5 of the Customs Regulations of 1943 (19 CFR, 25.5), is amended by deleting paragraph (e).

(Sec. 30, 52 Stat. 1089, sec. 624, 46 Stat. 759; 19 U. S. C. 1623, 1624.)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: June 21, 1950.

JOHN S. GRAHAM, *Acting Secretary of the Treasury.*

[F. R. Doc. 50-5452; Filed, June 26, 1950; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 854]

PART 95—CAR SERVICE

DEMURRAGE ON CARS HELD UNDER LOAD AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of June A. D. 1950.

It appearing that as the result of the inability of carriers at Great Lakes ports to unload coal in the normal manner brought about by a strike of dock personnel; in the opinion of the Commission an emergency exists requiring immedi-

ate action at Great Lakes ports. It is ordered, that:

§ 95.854 *Demurrage on cars held under load at Great Lakes ports.* (a) B. T. Jones' Tariff I. C. C. 4137, supplements thereto or reissues thereof, providing car demurrage rules and charges on coal and other carload freight as described therein, applying at ports, sidings or storage yards named therein, held for lake shipment or delivery to vessels, be and it is hereby suspended to the extent provided in paragraphs (b) and (c) of this section;

(b) On all loaded cars held at points described in the above tariff because of strike of dock personnel and during the period this order is in effect.

(c) Lake coal, vessel fuel coal, coke, crushed stone, gravel, sand or other carload freight, when loaded in open top equipment reconsigned at the ports and storage yards named herein, for rail delivery, will be subject to the provisions of Rule 2 and Rule 3 from the first 7:00 a. m., after date on which notice of arrival was sent or given, as provided in Rule 3 (b) of this tariff to date and time reconsignment orders are received by this railroad.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) *Regulations suspended; announcement required.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k)) of this chapter, announcing such suspension.

(f) *Effective date.* This order shall become effective at 7:00 a. m., June 22, 1950.

(g) *Expiration date.* This order shall expire at 7:00 a. m., July 31, 1950, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5499; Filed, June 26, 1950; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 961]

[Docket No. AO-160 A11 R01]

HANDLING OF MILK IN THE PHILADELPHIA, PA., MILK MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at Philadelphia, Pennsylvania, on April 19, 20, 21, 1950, pursuant to notice thereof which was issued on April 12, 1950 (15 F. R. 2146) and which hearing was reopened on May 10, 11, and 12, 1950, pursuant to notice issued on May 3, 1950 (15 F. R. 2687).

Upon the basis of the evidence introduced at the hearing and the record thereof the Assistant Administrator, Production and Marketing Administration, on June 5, 1950, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on June 8, 1950 (15 F. R. 3568).

The material issues of record related to:

1. The price to be paid producers for Class I milk during the months of July, August, and September, 1950;

2. The cost to handlers of butterfat in Class I in excess of or less than 4 percent;

3. A deduction from the producer price allowable to handlers on milk received at plants 31 miles or more from City Hall;

4. Deductions from the producer price allowable to handlers on milk received at plants at various mileage distances less than 31 miles from City Hall;

5. Classification of milk products in inventory at the end of the month according to the form in which they are held;

6. Classification as Class II all milk or skim milk accounted for as spoiled, wasted, dumped or used for other than human consumption;

7. A formula method for establishing Class I prices based upon the report of the Philadelphia Class I Milk Price Committee.

1. *Class I price.* The price for Class I milk received from producers during the months of July, August, and September 1950 should be $5.24 per hundredweight for milk testing 4.0 percent butterfat delivered at the city.

The hearing record upon which these findings are based contains evidence on specific Class I prices for July, August, and September 1950, and also on a formula method of pricing Class I milk. This decision gives consideration to the Class I prices to be established for the months of July, August, and September. Action on a proposed formula method of establishing Class I prices is reserved for another decision on this record.

Class I sales by Philadelphia handlers have during recent months continued at a fairly even level about the same as for corresponding months a year earlier. The volume of milk supplied by Philadelphia producers has been in recent months higher than a year ago, varying from 12.9 percent increase in February 1950 over February 1949, to a 2.6 percent increase in April this year over April 1949. The lesser increase in April than in previous months has resulted partly from imposition of quotas by some handlers on the amount of producer receipts during flush months, and the later pasture season this year than last.

The number of producers in April 1950 was about 2 percent less than in April 1949. Receipts per day per dairy in April were about 5 percent over a year earlier.

The estimated milk production in the State of Pennsylvania in March 1950 was higher than in March 1949 by 5.6 percent, and April production was 4.5 percent over a year earlier. During the first four months of this year milk production in the state has been greater than in any of the previous 15 years. About 80 percent of the milk regulated under the Philadelphia order is received at plants located in Pennsylvania.

For the market as a whole, there was an adequate supply of milk from producer sources during the fall months of 1949, although some handlers had a very high percentage of Class I utilization. But under Order 61, high Class I utilization is not necessarily evidence of milk shortage, since handlers are free, within limits, to procure milk from other sources for Class I purposes. The average percentage of Class II milk in the market in November 1949 was about 16 percent as compared to about 8 percent in November 1948. In this connection, it is noteworthy that some plants were withdrawn from the market in the fall months of 1949. Accordingly, some weight must be given to the increase in available supplies as compared to earlier years. Producers in their exceptions emphasized that receipts of handlers from Philadelphia producers are at about the same level currently as a year ago. However, the higher rate of milk production, increased number of milk cows, and higher production per cow in Pennsylvania this year as compared to last, and a relatively low level of Class I utilization in the New York Pool, are indications of a more liberal supply of milk.

The most recent data on farm wage rates and feed costs indicate little change from costs during the latter half of 1949, except that some increase is shown in wholesale feed prices just prior to the hearing.

It appears that on the basis of current marketing conditions a Class I price level during July, August and September somewhat lower than the level effective during the latter half of 1949 will assure an adequate supply of milk for this market. Producers proposed a price of $5.50 per hundredweight which is the same as the price during the same months of 1949. On the basis of current marketing conditions a price of $5.24 which was recommended in the decision of the Assistant Administrator, Production and Marketing Administration, appears to be a reasonable adjustment from previous levels considering the effect of the recommended changes in the Class I butterfat differential and in the allowable deductions from the handlers' uniform price. This price will amount to a 20-cent per hundredweight reduction in the level from prices for the same months of 1949, f. o. b. city plants, including the 3-cent adjustment requested by handlers in connection with changes in plant location differentials.

2. *Butterfat differential.* The butterfat differential applicable to the Class I price should be 5 cents for each one-tenth of one percent above or below 4.0 percent butterfat content.

Producers and handlers requested that this change be made so as to make this order conform more closely with that of the Pennsylvania Milk Control Commission. Analysis of the record shows that this change can be made without materially affecting returns to producers. Therefore, the 5-cent differential as requested is recommended.

The butterfat differential now applicable to the Class I price is based on the average market price for cream in the Philadelphia market. During recent months the Class I butterfat differential has been about 7 cents per one-tenth of a percent of butterfat above or below 4.0 percent. The same differential applies to the Class II price. The differential applicable to the uniform price, however, is 5 cents.

Producers and handlers supported a proposal to change the Class I butterfat differential to 5 cents. This change would equate the butterfat differentials applicable to the Class I price and to the uniform price paid by each handler. This would have the effect of removing differences in the uniform prices of various handlers caused by the differences in test of milk used in Class I.

During recent months the average test of all Class I products has been between 3.7 and 3.8 percent butterfat. A reduction in the Class I butterfat differential, therefore, would increase returns to producers for Class I milk. This effect upon the returns to producers should be considered in connection with the recommendation of the appropriate Class I price for this market.

In recent months about 18 percent of Class I sales have been Grade A milk. The average test of this product was about 4.2 percent butterfat. The reduction in the Class I butterfat differential proposed by producers would reduce the cost to handlers of Class I milk testing over 4 percent relative to the cost of Class I milk of less butterfat content. The reduction in Class I differential, however, would not affect the butterfat differentials applicable to producer prices for Grade A and Grade B milk.

The proposed change would result, under present conditions, in a lower valuation of differential butterfat in Class I than its alternate use value in Class II. The producer witness supporting the proposal argued that the current butterfat differential of 7 cents overvalues the differential butterfat over 3.7 percent in Class I milk, and that a more appropriate valuation would be 5 cents per one-tenth of 1 percent. A 5-cent butterfat differential is used in the order of the Pennsylvania Milk Control Commission for the Philadelphia market.

On basis of the record, it appears that the requested change in the Class I butterfat differential can be adopted without materially affecting returns to producers, providing an appropriate adjustment is made in the Class I price. Reduction of the butterfat differential to 5 cents would in recent months increase the cost of Class I milk approximately 6 cents per hundredweight. This effect should be compensated in the price established for Class I milk.

3. *Country plant location differentials.* The 3-cents per hundredweight deduction permitted to handlers pursuant to § 961.8 (e) of the order on milk received at plants 31 miles or more from the City Hall in Philadelphia should be discontinued.

A producer witness proposed that the allowable 3-cent deduction on milk received at plants 31 miles or more from City Hall should be eliminated, and that concurrently the Class I price should be reduced by the same amount. This action was urged by producer representatives as a step towards coordinating the Federal and Pennsylvania milk marketing orders applicable to Philadelphia. Representatives of the majority of handlers who operate plants beyond 31 miles from City Hall also urged that these changes be made so as to coordinate the two orders. Carrying out the request made by these handlers for a concurrent reduction of 3-cents per hundredweight in the Class I price at the city would result in no change in the Class I price at plants beyond the 31-mile distance from City Hall, excepting the amount of the seasonal change on July 1.

Data in the record show that the average volume of milk received at country plants has increased considerably since the time when the present pattern of country plant differentials was established, and that there are fewer plants with a relatively small volume of receipts. A larger volume of receipts per plant may allow greater opportunities for efficiency and lower cost. However, there are other factors involved in determining the relative costs of receiving milk from producers at country receiving stations as compared to costs of receiving milk at city plants. The record of this hearing does not furnish adequate information on relative costs to use as a basis for determining the appropriate level of country plant differentials. The amount of adjustment in the country plant differentials requested by producers and also by the majority of handlers operating country receiving stations is relatively small and was urged as necessary for alignment of the state and Federal orders applying to this market. It appears that this adjustment could be made without resulting in disorderly marketing conditions and without materially affecting the average returns to producers for the market. An adjustment of the city Class I price would be effected pursuant to the recommendations herein in connection with the Class I price. No corresponding adjustment in the Class II price is recommended. It would appear that the optional 3¢ location differential deduction is even less needed on Class II than on Class I. Effective last April the Class II price was reduced in order to afford handlers more margin for the months of heavy Class II utilization.

4. *Nearby plant location differentials.* No change should be made on the basis of this record in the plant location differentials applicable to milk received at plants less than 31 miles from the City Hall in Philadelphia.

Proposals were made on the record to modify the location differentials applicable to milk received at plants less than 31 miles from City Hall, involving division of the marketing area into two pricing zones, and changing the measurements of the differential zones to distances from the boundary of the marketing area instead of from the City Hall. The record does not furnish substantial evidence on any of the proposals sufficient to recommend their adoption. The record does contain, however, some evidence which would support the elimination of differentials now applicable to milk received at plants 20 miles or less from the City Hall. Such a change in the differentials was not discussed sufficiently at the hearing to warrant action on the basis of this record.

It is concluded that no change should be made in location differentials applicable to plants less than 31 miles from City Hall until more comprehensive information on the factors involved is presented.

5. *Classification of milk and milk products in inventory.* No change is needed in the language of the classification provisions to provide for classification of inventories.

Handler witnesses proposed that paragraphs (b) (1) and (b) (2) of § 961.3 should be amended by adding the words "or on hand," after the words "disposed of." This change is apparently to meet the problem of classification of milk intended for disposal as Class II, but not in the form of Class II products at the time of end-of-the-month inventory.

It appears from the record that the present system of classification is operating satisfactorily. Reclassification in accordance with final use of milk held in inventory assures producers of the full value of their milk under the terms of the order. Classification at the end of the month of milk in inventory in ac-

cordance with intended use, evidenced to the satisfaction of the market administrator, and subject to reclassification in accordance with final use, appears consistent with the terms of the order. It is concluded that no change is needed in the language of the classification provisions to cover classification of inventories.

6. *Classification of milk spoiled or dumped.* Milk disposed of as animal feed or dumped should be classified as Class II.

Handler witnesses proposed that milk spoiled, wasted, or dumped should be classified as Class II. This assignment of milk to Class II would be in addition to the regular shrinkage, which may not exceed 2 percent.

The term "wasted" is too indefinite to be used as a basis for classification, except for milk ordinarily classified under the 2% allowance for shrinkage.

Milk spoiled such as to be unfit for human consumption may be disposed of ordinarily as animal feed or sewage. Milk dumped may be understood to be milk disposed of as sewage. Milk dumped and milk disposed of as animal feed should be included in Class II classification. Inasmuch as dumping of milk is difficult to verify after milk has been dumped, the handler should notify the market administrator of the intention of dumping the milk, and give him an opportunity to verify the disposal.

7. *Class I price formula.* Evidence was presented on the record of this hearing in support of a formula method for establishing a price for Class I milk for periods subsequent to September 1950. Action on this issue is reserved for a further decision on the record of this hearing. Briefs on this issue are due to be filed July 1, 1950.

Rulings on exceptions. Within the period reserved for exceptions, producers and handlers filed exceptions to the findings, conclusions and action recommended by the Assistant Administrator. In arriving at the findings, conclusions and action decided in this decision, each of these exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions and actions decided upon herein are at variance with the exceptions, such exceptions are denied.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of April 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This discision filed at Washington, D. C., this 21st day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Milk Marketing Area

§ 961.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for milk in the said marketing area and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Philadelphia, Pennsylvania, milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 961.3 (b) (2) redesignate subdivision (ii) as (iii) and insert after subdivision (i) the following: "(ii) milk dumped or disposed of for animal feed,".

2. In § 961.4 (a) (1) delete the proviso "*And provided further,* That the price shall be at least $5.02 per hundredweight for each of the months of April, May and June 1950", and substitute "*And provided further,* That the price shall be at least $5.24 per hundredweight for each of the months of July, August and September 1950."

3. In § 961.4 delete (b) and substitute:

(b) *Butterfat differential.* (1) The Class I price shall be subject to a butterfat differential of 5 cents for each one-tenth of 1 percent variation above or below 4.0 percent.

(2) The Class II price shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent, calculated as fol-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

lows: Divide the average of the cream quotations used in calculating the Class II price by 334.8, and substract 0.67 cents; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the butter value by 40.

4. Delete § 961.8 (e) and substitute:

(e) *Additional deductions.* In the case of milk received from producers at plants more than 11 miles from City Hall in Philadelphia, the handler may deduct from the payments otherwise specified in this section to be paid, 7 cents per hundredweight at plants 11 to 16 miles from the City Hall in Philadelphia, and an additional 2 cents per hundredweight for plants within each additional 5 miles in excess of 16 miles but less than 31 miles.

[F. R. Doc. 50-5492; Filed, June 26, 1950; 8:47 a. m.]

[7 CFR, Part 986]

HANDLING OF HOPS GROWN IN OREGON, CALIFORNIA, WASHINGTON, AND IDAHO, AND OF HOP PRODUCTS PRODUCED THEREFROM IN THESE STATES

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO INCREASE IN BUDGET OF EXPENSES OF HOP CONTROL BOARD FOR PERIOD JULY 2, 1949, THROUGH JULY 31, 1950

Consideration is being given to the approval of a proposed increase from $110,250.00 to $118,675.95 in the budget of expenses of the Hop Control Board (including its subsidiary committees), established as the administrative agency under Marketing Agreement No. 107 and Order No. 86 (7 CFR, Part 986; 14 F. R. 3660), regulating the handling of hops grown in Oregon, California, Washington, and Idaho, and of hop products produced therefrom in these States. The original budget of expenses was approved on September 20, 1949 (14 F. R. 5828).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

This proposed increase in the authorized budget of expenses was recommended in a resolution adopted by the Hop Control Board at a duly called meeting in Portland, Oregon, on May 22, 1950. This action was due to the fact that expenses of the Board in connection with the administration of the marketing agreement and order program have been greater than were anticipated by the Board in July 1949 when it recommended the presently authorized budget of $110,250.00

As reasons for the need for an increase in the authorized budget of expenses, the Managing Agent of the Hop Control Board has reported: that it was necessary to pay a higher hourly rate to employees engaged in crop determinations than was anticipated; that the number of certifications exceeded expectations; that there were also unforeseen expenses in connection with cancellations of certifications and replacement of such hops under the diversion privilege; and that communication expenses were higher than estimated last July. It is expected that three Board meetings will be held during the period for which the budget is applicable instead of two meetings which were anticipated in July 1949.

It is estimated that the administrative assessments at the presently authorized rate of three-tenths of a cent per pound of hops handled will result in collections approximating the amount of the budget of expenses as now proposed to be increased, and it is contemplated that the expenses incurred during this period will not exceed the amount of such collections.

The proposal is to amend § 986.300 (b) to read as follows:

(b) *Budget of expenses for the period July 2, 1949, to July 31, 1950, inclusive.* Expenses in the amount of $118,675.95 are reasonable and likely to be incurred by the Hop Control Board (including, but not limited to, the Growers Allocation Committee and the several Growers Advisory Committees) established pursuant to the provisions of the marketing agreement and order, for its maintenance and functioning, during the period July 2, 1949, through July 31, 1950.

Done at Washington, D. C., this 21st day of June 1950.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-5490; Filed, June 26, 1950; 8:46 a. m.]

[7 CFR, Part 991]

[Docket No. AO-194-A1]

HANDLING OF MILK IN ROCKFORD-FREEPORT, ILL., MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER AMENDING THE ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was conducted at Rockford, Illinois, on June 13, 1950, pursuant to notice thereof which was issued on May 31, 1950 (15 F. R. 3506).

The material issues of record related to:

1. A proposal to adopt revised formula factors in the "butter-nonfat dry milk solids" price formula (subject formula is used as an alternate basic price formula for determining Class I and Class II milk prices and as an alternate formula for determining the Class III milk price);

2. The inclusion of new provisions relating to the retention of records by handlers and to the termination of obligations where payments of money are involved; and

3. The emergency character of present marketing conditions.

Findings and conclusions. (1) The alternate basic price formula based on the market prices of butter and nonfat dry milk solids should be revised.

Handlers proposed revision of the "butter-nonfat dry milk solids" price formula (§ 991.50 (c)) which is used both as an alternate basic price formula for determining Class I and Class II milk prices and as an alternate formula for determining the Class III milk price. The particular formula proposed is similar to that recently adopted for the orders in effect in the Chicago and Suburban Chicago marketing areas. It is intended primarily to provide identical basic price levels for the three markets in the determination of Class I and Class II milk prices.

In support of their proposal handlers submitted testimony to the effect that (a) farms of producers supplying the Rockford-Freeport market are interspersed with those of Chicago and Suburban Chicago producers, (b) production conditions in such three markets are highly comparable, (c) prices in the three markets should be kept in close alignment to prevent dissatisfaction among producers and the shifting of producers from one of such markets to another, (d) Chicago and Suburban Chicago handlers distribute from plants regulated under Orders 41 and 69 between 40 and 50 percent of all the fluid milk sold in the city of Rockford, and a somewhat lesser portion of that sold in Freeport, in competition with handlers under Order 91, and (e) the recent change made in the "butter-nonfat dry milk solids" formula under the Chicago and Suburban Chicago orders by amendment will give, after July 1, the Chicago and Suburban Chicago handlers distributing in the Rockford-Freeport marketing area a purchasing advantage of 11-13 cents per hundredweight of milk for Class I and Class II use over the local Rockford-Freeport handler. It was contended that the price relationship with the Chicago market to occur beginning July 1 will create an inequitable and burdensome situation for local handlers unless the proposed price formula is adopted. Handlers further testified that the proposed formula would provide also an appropriate method of pricing Class III milk as an alternate to the other specific formulas included in the order for this purpose. The situation in prospect is looked upon as warranting emergency action. Producer representatives did not oppose the requested action.

The exceedingly close price and competitive relationships between the Chicago and Rockford-Freeport markets were pointed out in the original decision on the promulgation of Order 91. The basic price formulas adopted at that time under Order 91 were made similar to those in effect in the Chicago market and continued so until March 1 this year when the butter-nonfat dry milk solids formula of the Chicago order was altered. The adoption of the new formula at Chicago removed the seasonality feature of the formula which had been in effect

previously but which is still a part of the comparable formula in the Rockford-Freeport order. The effect of the change in the Chicago formula therefore will provide after July 1 lower prices for Class I and Class II milk sold by Chicago handlers in the Rockford-Freeport marketing area than would be permitted to local handlers under the present formula. Such a result would not be conducive to orderly marketing in the Rockford-Freeport marketing area. A similar conclusion may be drawn with respect to the situation to exist beginning July 1 between Rockford-Freeport and Suburban Chicago handlers since the Chicago and Suburban Chicago orders employ identical basic price formulas. The price disadvantage to which Rockford-Freeport handlers would be subject without amendment of the order as proposed would amount to 11–13 cents per hundredweight of milk.

It is concluded therefore from the evidence that the proposed revision of the butter-nonfat dry milk solids price formula should be adopted.

(2) The order should contain provisions for the retention of records and the ultimate termination of obligations.

It is necessary for handlers to retain records in order to prove the utilization of milk and the payments made to producers. It is necessary that these records be kept for a substantial period of time since some transactions with respect to the handling of the producers' milk are not completed and audited until several months after producers have delivered the milk to handler's plant. Detailed records of this kind soon assume tremendous physical proportions and become burdensome for this reason. It is necessary that a definite time period be provided within which handlers must maintain their records and after which they will be relieved of so doing. The order should provide that handlers shall retain records for three years after the end of the delivery period or month to which such records relate. In terms of the volume of records which would be retained and the types of transactions involved in disposing of milk, the retention of records for three years is concluded to be a reasonable requirement. If litigation is in progress, it may be necessary to require records to be retained for a longer period and provision should be made for this contingency.

The order should provide also for the termination of obligations to handlers after a reasonable period of time has elapsed. Without such a provision handlers may file claims which, because the period involved might extend back over many years, could be insubstantial amounts. This creates uncertainties which could endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an underpayment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c (15) (A) of the act, claiming such money. Handlers also need the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provisions therefor by setting up reserves or by taking other precautionary measures. The obligation of any handler to pay money should, except under certain extraordinary conditions, such as litigation, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that in general a period of two years is a reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included in this decision, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

(3) The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Assistant Administrator, Production and Marketing Administration, and opportunity for filing exceptions thereto.

The hearing record established that immediate action must be taken if an amendment is to meet effectively the urgent problem sought to be alleviated. With respect to such problem, the critical situation will be aggravated on and after July 1, 1950. The delay necessarily involved in the preparation, filing and publication of a recommended decision and exceptions thereto would defeat the purpose of the amendment. The omission of the recommended decision and filing of exceptions thereto was requested on the record and no opposition was registered.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and in the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Determination of representative period. The month of May 1950 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 21st day of June 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order Regulating the Handling of Milk in the Rockford-Freeport, Illinois, Marketing Area

§ 991.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Rockford, Illinois, on June 13, 1950, upon proposed amend-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

ments to the tentative marketing agreement and to the order regulating the handling of milk in the Rockford-Freeport, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof the handling of milk in the Rockford-Freeport, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Add the following as § 991.34:

§ 991.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

2. Delete § 991.50 (c) in its entirety and substitute therefor the following:

(c) The price per hundredweight computed as follows:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the prices reported for Grade A (92-score) butter for that day shall be used in lieu of the price for Grade AA (93-score) butter;

(2) Multiply by 8.2 the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph, subtract 67 cents.

3. Add the following as § 991.85:

§ 991.85 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money. (a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

[F. R. Doc. 50-5491; Filed, June 26, 1950; 8:46 a. m.]

NOTICES

FEDERAL POWER COMMISSION

[Docket No. G-1381]

TENNESSEE NATURAL GAS LINES, INC.

ORDER FIXING DATE OF HEARING

On April 24, 1950, Tennessee Natural Gas Lines, Inc. (Applicant), a Tennessee corporation with its principal place of business at Nashville, Tennessee, filed an application, as supplemented on May 31, 1950, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to construct and operate certain facilities, subject to the jurisdiction of the Commission, as are fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure; no request to be heard or protest has been filed subsequent to giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 6, 1950 (15 F. R. 2696).

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

The Commission orders:

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure a hearing be held on July 5, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

Date of issuance: June 20, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5483; Filed, June 26, 1950; 8:45 a. m.]

[Docket No. G-1395]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On May 24, 1950, United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business in Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing it to construct and operate approximately 11.3 miles of 12-inch pipeline and appurtenances extending from the Soso Field to a point in Sherron Field, all in Jasper County, Mississippi, for the purpose of transporting natural gas purchased by Applicant in the Sherron Field to the Soso Field from which point said gas will enter existing facilities connected to Applicant's Jackson-Mobile line, subject to the jurisdiction of the Commission, as described in such application on file with the Commission and open to public inspection.

Applicant has requested that its application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the provisions of the aforesaid rule, provided no request to be heard, protest or petition raising an issue of substance is filed subequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15, of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on July 20, 1950, at 9:45 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: June 20, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-5484; Filed, June 26, 1950; 8:45 a. m.]

FEDERAL TRADE COMMISSION

[File Nos. 1-21503, 1-21505—1-21509, 1-21511—1-21514 and 1-21516—1-21518]

BLOTTING PAPER MANUFACTURERS ASSN. ET AL.

RESOLUTION INITIATING AN INVESTIGATION

The Commission on June 12, 1950, adopted the following resolution authorizing an investigation of the below named trade associations and directed the publication thereof in the FEDERAL REGISTER:

In the matter of Blotting Paper Manufacturers Association, et al., File No. 1-21503, Glassine and Greaseproof Manufacturers Association, et al., File No. 1-21505, Groundwood Paper Manufacturers Association, et al., File No. 1-21506, Kraft Paper Association, Inc., et al., File No. 1-21507, National Leather Fibre Conference, Inc., et al., File No. 1-21508, Newsprint Manufacturers Association of The United States, Inc., et al., File No. 1-21509, Paper Shipping Sack Manufacturers Association, et al., File No. 1-21511, Soda Pulp Manufacturers Association, et al., File No. 1-21512, Specialty Paper & Board Affiliates, et al., File No. 1-21513, Sulphite Paper Manufacturers Association, Inc., et al., File No. 1-21514, United States Pulp Producers Association, et al., File No. 1-21516, Vegetable Parchment Manufacturers Association, et al., File No. 1-21517, Writing Paper Manufacturers Association, et al., File No. 1-21518.

Whereas, each of the above named trade associations is a corporation within the meaning of "corporation" as used in the Federal Trade Commission Act (15 U. S. C. 41 et seq.); and

Whereas, the members of each of the said trade associations are corporations engaged in the business of selling one or more paper products in interstate commerce; and

Whereas, the Federal Trade Commission has the power under section 6 (a) of the Federal Trade Commission Act to investigate the organization, business, conduct, practices and management of corporations engaged in interstate commerce and their relation to other corporations and to individuals, associations and partnerships; and

Whereas, it appears to the Federal Trade Commission that it is in the public interest to investigate the activities of the said trade associations and their members for the purpose of determining whether they, in violation of section 5 of the Federal Trade Commission Act, have entered into agreements, combinations or conspiracies to fix the prices at which the said paper products are sold in interstate commerce or have employed practices in restraint of trade in the said paper products in interstate commerce:

Now, therefore, be it resolved, that the Federal Trade Commission, with the aid of any and all powers conferred upon it by law and any and all compulsory processes available to it, do forthwith investigate, for the purposes herein set forth, the organization, business, conduct, practices and management of the said trade associations and their members, and their relation to other corporations and to individuals, associations and partnerships.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-5515; Filed, June 26, 1950; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25191]

JUVENILE BOOKS FROM AKRON, OHIO, TO WESTERN TRUNK LINE TERRITORY

APPLICATION FOR RELIEF

JUNE 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3766.

Commodities involved: Juvenile books with paper or pulpboard covers, carloads and less-than-carloads.

From: Akron, Ohio.

To: Points in Western Trunk Line territory.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates:

B. T. Jones' tariff I. C. C. No. 3766, Supplement 215.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5494; Filed, June 26, 1950; 8:48 a. m.]

[4th Sec. Application 25192]

SCRAP IRON OR STEEL FROM MILWAUKEE, WIS., TO HAMILTON, ONT.

APPLICATION FOR RELIEF

JUNE 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: B. T. Jones, Agent, for and on behalf of the Canadian National Railways and other carriers named in the application.

Commodities involved: Scrap iron or steel, carloads.

From: Milwaukee, Wis. (via car ferry across Lake Michigan).

To: Hamilton, Ont.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: C&O (PMD) tariff I. C. C. No. 13099, Supp. 3. GTW (GTLW) tariff I. C. C. No. A-2909, Supp. 84.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5495; Filed, June 26, 1950; 8:48 a. m.]

[4th Sec. Application 25193]

CHLORINATED CAMPHENE FROM BRUNSWICK, GA. TO KANSAS CITY, MO.

APPLICATION FOR RELIEF

JUNE 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 976.

Commodities involved: Chlorinated camphene, carloads.

From: Brunswick, Ga.

To: Kansas City, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5496; Filed, June 26, 1950; 8:48 a. m.]

[4th Sec. Application 25194]

SODIUM PHOSPHATE FROM CHICAGO, ILL., TO SOUTH

APPLICATION FOR RELIEF

JUNE 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of The Chicago, Rock Island and Pacific Railroad Company and other carriers named in the application, pursuant to fourth-section order No. 16101.

Commodities involved: Di-sodium phosphate, tri-sodium phosphate or phosphate of sodium (soda), straight or mixed carloads.

From: Chicago, Chicago Heights and Joliet, Ill., and points taking the same rates.

To: Baton Rouge and New Orleans, La., Memphis, Tenn., Birmingham, Mobile and Montgomery, Ala.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5497; Filed, June 26, 1950; 8:48 a. m.]

[4th Sec. Application 25195]

PETROLEUM FROM BURNELL, CASTLE AND KARNES CITY, TEX.

APPLICATION FOR RELIEF

JUNE 22, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs named below.

Commodities involved: Petroleum, its products and related articles, carloads.

From: Burnell, Castle and Karnes City, Tex.

To: Points in Southwestern, Southern, Official, Illinois and Western Trunk Line territories.

Grounds for relief: Circuitous routes and to maintain grouping.

Schedules filed containing proposed rates:

D. Q. Marsh's tariffs I. C. C. Nos. 3585, 3802, 3825, 3651, 3724 and 3494, Supplements Nos. 413, 67, 65, 230, 116 and 194, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-5498; Filed, June 26, 1950; 8:48 a. m.]

[Rev. S. O. 562, Amdt. 2 to King's I. C. C. Order 25]

DULUTH AND NORTHEASTERN RAILROAD CO.

REROUTING OR DIVERSION OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 25 and good cause appearing therefor: *It is ordered*, That:

King's I. C. C. Order No. 25 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., September 30, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., June 30, 1950, and that this order shall be served upon the Association of

American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., June 21, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-5500; Filed, June 26, 1950; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1440]

ILLINOIS CENTRAL RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1950.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the 4% Leased Line Stock, Par Value $100, of the Illinois Central Railroad Company.

The application alleges that: (1) The issuer by letter dated May 12, 1950 furnished the applicant exchange with information regarding the distribution of the above security as follows:

(a) 13 holders of 251 shares of the above security have agreed to sell said shares to the company; they have been precluded from making delivery for various reasons, but arrangements are in process for delivery to the company of these shares;

(b) Apart from the shares referred to in subparagraph (a) above, the only other shares remaining outstanding in the hands of the public are 2,752 shares in the hands of 52 holders;

(c) Of these 2,752 shares in the hands of 52 holders, 4 holders represent foreign accounts, and the whereabouts of 2 of these 4 accounts representing ownership of 51 shares has not been known for about ten years;

(d) Another of said foreign accounts is the Dutch Administration Office, which is the registered owner of 1,030 shares, and it has distributed in countries abroad other than Holland its own certificates in bearer form of lesser denominations, secured by the pledge of said 1,030 shares;

(e) Therefore, of the 2,752 shares remaining uncommitted to the issuer, there remain outstanding 1,722 shares registered as to ownership by 51 holders, exclusive of the shares registered in the name of the Dutch Administration Office.

(2) The above security was suspended from trading upon the applicant exchange before the opening of the trading session on May 29, 1950, and advance notice of the suspension was released to the press by the applicant exchange on May 19, 1950.

(3) The reason for the proposed striking of this security from listing and registration on the applicant exchange is that the outstanding amount of the issue has been so reduced and the distribution thereof so limited as to make further dealings therein on the exchange inadvisable.

(4) The rules of the New York Stock Exchange with respect to striking a security from registration and listing have been complied with.

Upon receipt of a request, prior to July 25, 1950, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5487; Filed, June 26, 1950; 8:46 a. m.]

[File No. 70-735]

CONSUMER GAS CO.

ORDER GRANTING REQUEST FOR EXTENSION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington D. C., on the 20th day of June 1950.

Consumers Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having requested a one-year extension (to July 2, 1951) of the time within which Consumers Gas Company may purchase a maximum of 800 shares of capital stock of Reading Gas Company from non-affiliated interests as shares become available for purchase, such time having been fixed in our order of July 2, 1943, and extended by subsequent orders to July 2, 1950; and

Consumers Gas Company having stated that to date 688 shares of the capital stock of Reading Gas Company have been purchased, and that an additional one-year extension is desired in order to consummate the said purchase program; and

It appearing to the Commission that the requested extension of time is not unreasonable or detrimental to the public interest or the interest of investors or consumers:

It is ordered, That Consumers Gas Company be, and hereby is, granted an additional period of one year from July 2, 1950, within which to consummate the proposed purchase program covered by our order of July 2, 1943, subject, however, to the same conditions and reservation of jurisdiction as are imposed by said order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 50-5485; Filed, June 26, 1950; 8:45 a. m.]

[File No. 70-2386]

SOUTHWESTERN GAS AND ELECTRIC CO. AND ARKLAHOMA CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 21st day of June A. D. 1950.

Southwestern Gas and Electric Company ("Southwestern"), a subsidiary company of Central and South West Corporation ("Central"), a registered holding company, and the Arklahoma Corporation ("Arklahoma"), a direct subsidiary company of Southwestern, and an indirect subsidiary of Central, and of Standard Gas and Electric Company and of Middle South Utilities, Inc., registered holding companies not affiliated with Central or with each other, having filed a joint application-declaration, pursuant to sections 9 (a) and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 promulgated thereunder, with respect to the following proposed transactions:

Southwestern and Arklahoma have entered into an agreement dated February 7, 1950, subject to appropriate regulatory approval, pursuant to which Arklahoma has agreed to construct, install, operate and maintain in its Markham's Ferry Substation a certain 115 kv. oil circuit breaker, with appropriate controls, and switching structures, at an estimated cost of $72,160. Southwestern has agreed to lease said facilities from Arklahoma at an annual rental of 14 percent of the actual cost to Arklahoma of such facilities (with appropriate adjustment to reimburse Arklahoma for Federal income and local taxes and insurance). The term of the agreement will be from June 15, 1950 (or the earliest date thereafter on which the facilities are ready for operation, whichever is later) until July 1, 1977, unless sooner terminated pursuant to the provisions thereof. Southwestern may terminate said agreement at any time by giving Arklahoma 90 days written notice and by paying in a lump sum an amount equal to the original cost of such facilities less depreciation at the rate of 2.45 percent per annum, compounded annually at the rate of 3 percent. Also, Southwestern may terminate said agreement upon the termination of a Lease

Agreement dated December 9, 1947 now existing between Arklahoma and Southwestern, Oklahoma Gas and Electric Company, and Arkansas Power & Light Company, and upon the payment to Arklahoma of a sum computed in accordance with the formula above stated. In the event the agreement runs the full and complete term, or in the event of a termination of the agreement by Southwestern and the payment by it of the formula sum, Southwestern will own the facilities. Arklahoma may terminate said agreement and require Southwestern to purchase the facilities by paying the formula price therefor upon the contingencies and conditions set forth in said agreement.

The proceeds to be received by Arklahoma from the agreement will be applied and used as ordinary income to the company, except that portion of the rental related to sinking fund depreciation which will be applied in accordance with the terms of the company's Mortgage and Deed of Trust securing its First Mortgage Bonds.

The total fees and expenses to be paid in connection with the proposed transactions are estimated at $4,000, including $2,000 of legal fees.

It is represented that the proposed transactions are not subject to the jurisdiction of any regulatory body, other than this Commission.

Said joint application-declaration having been filed on May 4, 1950, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint application-declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said joint application-declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said joint application-declaration be granted and permitted to become effective, and also deeming it appropriate to grant applicants-declarants' request that the order herein become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said joint application-declaration be, and hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5486; Filed, June 26, 1950; 8:45 a. m.]

[File No. 70-2417]

MILWAUKEE GAS LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 20th day of June A. D. 1950.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by Milwaukee Gas Light Company ("Milwaukee"), a public utility subsidiary of American Natural Gas Company, a registered holding company. Declarant has designated section 7 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1950 at 12:00 noon, e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 12:00 noon, e. d. s. t., on June 29, 1950, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Milwaukee proposes to enter into a credit agreement, not later than July 27, 1950, with certain banks hereinafter named which will commit such banks to advance to Milwaukee, from time to time upon its demand and prior to December 31, 1950, sums aggregating a maximum of $3,500,000 as follows:

The National City Bank of New York	$1,000,000
The Central Hanover Bank & Trust Co. of New York	1,000,000
Mellon National Bank & Trust Co. of Pittsburgh, Pa.	1,000,000
First Wisconsin National Bank of Milwaukee	500,000

It is contemplated that the first advance will be made shortly after the execution of the credit agreement and the remainder of the credit will be taken down in amounts of $700,000 or multiples thereof as funds are needed. Each advance by each bank is to be evidenced by a note bearing interest at the rate of 2½% per annum and maturing on April 27, 1951. The credit agreement provides that the notes may be prepaid at any time without penalty in amounts of $700,000, or multiples thereof, except that a prepayment penalty of ¼ of 1 percent per annum shall be paid for the unexpired term of the notes being prepaid if prepayment is made from the proceeds of borrowings from banks other than the banks participating in the credit agreement. A commitment fee will be paid computed at the rate of ½ of 1 percent per annum on the average daily unused balance of the commitment from the date of the credit agreement to December 31, 1950, or until the entire $3,500,000 shall have been taken down, whichever shall occur first. The credit agreement will contain a covenant to the effect that Milwaukee will not, without prior consent of the banks, (a) pay dividends on its common stock in excess of the amount of $500,000 plus earned surplus available for dividends on common stock accumulated subsequent to December 31, 1948, or (b) incur other borrowings or funded debt except as permitted by the credit agreement, or (c) mortgage, pledge or otherwise encumber its assets, except as permitted by the credit agreement, or (d) enter into, or permit its subsidiary to enter into, any merger or consolidation proceeding.

Milwaukee has outstanding $4,500,000 principal amount of serial notes which mature at the rate of $450,000 semi-annually to and including May 31, 1952. The balance of $2,250,000 matures on November 30, 1952. The Company also has outstanding $4,000,000 principal amount of 2½ percent bank loan notes maturing on April 27, 1951, which notes, together with the serial notes, are owned by the banks which are parties to the proposed credit agreement.

The declaration states that the proceeds from the proposed bank loans will be utilized by Milwaukee to finance its immediate construction requirements. Prior to October 1950, the Company proposes to consummate a permanent financing program. It is contemplated that this will involve the refinancing of the presently outstanding first mortgage bonds, preferred stock and all bank loans through the issuance of new senior securities as well as additional shares of common stock.

Milwaukee estimates that the fees and expenses to be incurred in connection with the proposed transactions will aggregate $3,000, including legal fees of $1,500.

It is represented that no approval or consent of any regulatory body, other than this Commission, is necessary for the consummation of the proposed transactions.

Declarant requests that the Commission's order herein be issued by June 29, 1950, or as soon thereafter as convenient, and that such order become effective forthwith upon its issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-5488; Filed, June 26, 1950; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 20 (E)]

HATTERS' FUR CUTTERS ASSN. OF THE U. S. A.

APPLICATION FOR INVESTIGATION

JUNE 22, 1950.

Application has been filed with the United States Tariff Commission for investigation, under the escape clause procedure, to determine whether as a result of unforeseen developments and of the concession granted in a trade agreement the articles listed below are

being imported in such relatively increased quantities and under such conditions as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The application was filed under the provisions of Part III of Executive Order 10082 of October 5, 1949.

Name of article	Purpose of request	Date received	Name and address of applicant
Hatters' fur, or furs not on the skin, prepared for hatters' use, including fur skins carroted (Item 1520, Schedule XX, General Agreement on Tariffs and Trade).	Increase in duty....	June 22, 1950	The Hatters' Fur Cutters Association of the U. S. A., New York, N. Y.

The application listed above is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York Office of the Tariff Commission, located in Room 437, of the Custom House, where it may be read and copied by persons interested.

[SEAL] L. W. MOORE,
Secretary.

[F. R. Doc. 50-5503; Filed, June 26, 1950; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 14724]

SHOSAKU KOINUMA

In re: Safe deposit lease and contents owned by Shosaku Koinuma also known as Shosaku Koimma and as S. Koinuma. F-39-5397-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Shosaku Koinuma, also known as Shosaku Koimma and as S. Koinuma, whose last known address is Utsumomiya, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. All rights and interests created in Shosaku Koinuma, also known as Shosaku Koimma and as S. Koinuma, under and by virtue of a safe deposit box lease agreement by and between S. Koinuma and The National City Safe Deposit Company, 42d Street, Madison Avenue, 43d Street, New York, New York, relating to Safe Deposit Box No. 184, located in the vaults of said company at 682 Broadway, including particularly but not limited to, the right of access to said safe deposit box, and

b. All property of any nature whatsoever owned by Shosaku Koinuma, also known as Shosaku Koimma and as S. Koinuma, in the safe deposit box referred to in subparagraph 2 (a) hereof and any and all rights of said person evidenced or represented thereby,

subject, however, to any liens of the aforesaid The National City Safe Deposit Company, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 1, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5504; Filed, June 26, 1950; 8:49 a. m.]

[Vesting Order 14536, Amdt.]

MINNA HEBERLE

In re: Bonds owned by Minna Heberle, also known as Mina Heberle.

Vesting Order 14536, dated April 7, 1950, is hereby amended as follows and not otherwise:

By deleting subparagraph 2 (c) of said Vesting Order 14536 and substituting therefor the following:

c. Two (2) Workingmen's Educational and Home Association Bonds, bearing the numbers 11371, of $100.00 face value, and 10063, of $25.00 face value, registered in the name of Minna Heberle, presently in the custody of Carlos A. Hepp, 223 Glenwood Road, Englewood, New Jersey, together with any and all rights thereunder and thereto,

All other provisions of said Vesting Order 14536 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on June 9, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5505; Filed, June 26, 1950; 8:49 a. m.]

[Return Order 664]

EDITION CONTINENTAL

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Edition Continental, Londynska 39 Prague XII, Czechoslovakia; Claim No. 37437; May 5, 1950 (15 F. R. 2615); property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 4034 (9 F. R. 13781, November 17, 1944) relating to musical compositions listed under the name of Edition Continental in the vesting order, including royalties pertaining thereto in the amount of $67.48.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5506; Filed, June 26, 1950; 8:49 a. m.]

[Return Order 665]

HENRY MAGNUSSEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Henry Magnussen, Nomeland, Roknes, Norway; Claim No. 1824; May 5, 1950 (15 F. R. 2614); $200.07 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5507; Filed, June 26, 1950; 8:49 a. m.]

[Return Order 666]

PAUL BLUM ET AL.

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Paul Blum, 1623 South 2d St., Louisville, Ky.; Claim Nos. 30383 and 30385; May 10, 1950 (15 F. R. 2792), $9,735.85 in the Treasury of the United States.

Heyman Bravman, 1623 South 2d St., Louisville, Ky.; Claim No. 30382; May 10, 1950 (15 F. R. 2792), $2,433.96 in the Treasury of the United States.

All right, title and interest of Etta Blum and one-third (⅓) of all right, title and interest of Gida Brafman in and to the estate of Jacob Brafman to Paul Blum.

One-third (⅓) of all right, title and interest of Gida Brafman in and to the estate of Jacob Brafman to Heyman Bravman.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5508; Filed, June 26, 1950; 8:49 a. m.]

[Return Order 668]

INGRID IGENBERGS

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Ingrid Igenbergs, Munich, Germany; Claim No. 45936; May 12, 1950 (15 F. R. 2865), $2,794.55 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5509; Filed, June 26, 1950; 8:49 a. m.]

[Return Order 669]

OSKAR GLUCK

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Oskar Gluck, Hamburg, Germany; Claim No. 4151; July 22, 1947 (12 F. R. 4857), $167.75 in the Treasury of the United States. All right, title and interest held by the Attorney General, including all physical prints in the possession of the Attorney General, of two German language motion pictures entitled "Der Himmel Auf Erden" and "Walzer Klange (Immer Wenn Ich Gluecklich Bin)".

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on June 20, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5510; Filed, June 26, 1950; 8:49 a. m.]

BANCA COMMERCIALE ITALIANA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Banca Commerciale Italiana, Milan, Italy; Claim No. 36099; the excess proceeds of the business and property in the State of New York of Banca Commerciale Italiana in the possession of the Superintendent of Banks of the State of New York, or which may hereafter come into his possession under and by virtue of the Banking Law of the State of New York, including but not limited to the excess proceeds of all assets of any nature whatsoever, owned or controlled by or payable or deliverable to or held on behalf of or on account of or owing to the New York agency of said Banca Commerciale Italiana, remaining after the payment of the claims of creditors, accepted or established in accordance with the Banking Law of the State of New York, arising out of transactions had by them with the New York agency of said Banca Commerciale Italiana or whose names appear as creditors on the books of such agency, together with interest on such claims and the expenses of liquidation.

Executed at Washington, D. C., on June 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5511; Filed, June 26, 1950; 8:49 a. m.]

HENRY MARTIAL EMILE DU BOSCQ DE BEAUMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to § 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Henry Martial Emile du Boscq de Beaumont, Civray S/Cher (Indre et Loire), France; Claim No. 31748; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,179,881.

Executed at Washington, D. C., on June 21, 1950:

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-5512; Filed, June 26, 1950; 8:49 a. m.]

CORRADO MEZZINA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Property, and Location

Corrado Mezzina, Antonia Mezzina Sasso, and Maria Antonia Mezzina Tattoli; all of Molfetta, Italy; Claim No. 40216; one-third of the following described property to each of the three claimants: $44,999.22 cash in the Treasury of the United States.

The following securities presently in custody of Safekeeping Department of the Federal Reserve Bank of New York: 420 shares

Bank of America National Trust and Savings Association, $6.25 P. V. Common Stock, Certificates Nos. 89031–2 for 100 shares each; 65527 for 10 shares; and N 6869 for 210 shares; 11 shares Blair Holdings Corporation, $1 P. V. Capital Stock, Certificate No. 1682; $3,000 face value Republic of Chile External Sinking Fund Dollar Bonds of 1948, due December 31, 1993, Bond Nos. M–13295–7, incl., $1,000 each; 600 shares National Distillers Products Corporation, N. P. V. Common Stock, Certificate Nos. 237327–32 for 100 shares each; 40 shares The National Radiator Company, $4 P. V. Common Stock, Certificate No. 530; 250 shares Pacific Power & Light Company, 5% $100 P. V. Preferred Stock, Certificates Nos. 214–5 for 100 shares each; Certificate No. 7285 for 50 shares; 97 shares Richfield Oil Corporation, N. P. V. Common Stock, Certificate No. 47716; 15 shares Standard Oil Company of California, N. P. V. Capital Stock, Certificate No. 540062; 75/100 share Standard Oil Company of California, N. P. V. Capital Stock, Scrip Certificate No. 2406; 525 Shares Transamerica Corporation, $2 P. V. Capital Stock, Certificates Nos. 79230–4 for 100 shares each; Certificate No. 80379 for 25 shares; 20 shares 208 South LaSalle Street Corporation, N. P. V. Common Stock, Certificate No. 14713; $2,000 face value Republic of Uruguay External Readjustment Sinking Fund Dollar Bonds, of 1937, due May 1, 1979, Bond Nos. 1265–6, $1,000 each; $1,200 face value United States Savings Bonds, Series E, Bond No. 244918 for $1,000, due Aug. 1, 1951; Bond No. 33936641 for $100, due Apr. 1, 1953; and Bond No. 67391536 for $100, due Jun. 1, 1954 (these are registered in name of Joe Mezzina).

Twenty-two (22) miscellaneous pieces of jewelry held by Office of Alien Property, 120 Broadway, New York, New York.

All right, title and interest of the claimants, both legal and equitable, in and to the following described real property: Lots 1 and 2, in Block 101, Stephen's Addition to the City of Portland, Multnomah County, Oregon, as shown by the duly recorded map and plat thereof on file with the County Clerk of said Multnomah County, Oregon, being 1510 S. E. 9th Avenue; Lots 1, 2, 3 and East 20 feet of Lot 4, Block 9, Errol Heights, Multnomah County, State of Oregon, being 4720 S. E. Ogden Street; Crypt No. 301–C in Corridor 8, in the cemetery grounds of The River View Cemetery Association of Portland, evidenced by Deed No. 7133, dated April 26, being 1510 S. E. 9th Avenue, Lots 1, 2, 3 and 1946, from the River View Cemetery Association of Portland to the Estate of Joe Mezzina; the Deed being with Collection and Custody Section, Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on June 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–5513; Filed, June 26, 1950; 8:50 a. m.]

JOHAN SAM JACOBSON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to § 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant and Property

Johan Sam Jacobson Scheveningen, the Netherlands; Claim No. 37503; property described in Vesting Order No. 291 (7 F. R. 9834, November 26, 1942) relating to Patent Application Serial No. 399,443 (now United States Letters Patent No. 2,348,818).

Executed at Washington, D. C., on June 21, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50–5514; Filed, June 26, 1950; 8:50 a. m.]